(25,495)

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1916.

No. 665.

SUPREME COUNCIL OF THE ROYAL ARCANUM, PETITIONER,

vs.

SUE B. BEHREND.

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

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1 Court of Appeals of the District of Columbia.

No. 2864.

SUPREME COUNCIL OF THE ROYAL ARCANUM, a Corporation, Appellant,
vs.
SUE B. BEHREND.

Supreme Court of the District of Columbia.

Law. No. 57730.

SUE B. BEHREND, Plaintiff,
vs.
SUPREME COUNCIL, ROYAL ARCANUM, a Corporation, Defendant.

UNITED STATES OF AMERICA,
District of Columbia, ss:

Be it remembered, that in the Supreme Court of the District of Columbia, at the City of Washington, in said District, at the times hereinafter mentioned, the following papers were filed and proceedings had, in the above-entitled cause, to wit:

Amended Declaration.

Filed April 5, 1915.

In the Supreme Court of the District of Columbia.

Law. No. 57730.

SUE B. BEHREND, Plaintiff,
vs.
SUPREME COUNCIL, ROYAL ARCANUM, a Corporation, Defendant.

Leave of the Court first had and obtained the plaintiff files this, as her amended declaration in the above entitled cause.

First Count. The plaintiff, Sue B. Behrend, sues the defendant, the Supreme Council, Royal Arcanum, a corporation, organized and existing under and by virtue of the laws of the State of Massachusetts, but which maintains an office and agent in the District of Columbia, and is engaged in the transaction of business in
2 said office, for that, heretofore, to wit, on the 1st day of March, A. D. 1899, the said defendant, which was then a corporation as aforesaid, duly authorized to conduct the business of

life insurance in the District of Columbia, the said branch and council and official organization of said defendant Company, being Oriental Council #312, Royal Arcanum, in consideration of a certain premium or premiums thereafter to be paid by the said insured or beneficiary to the said defendant Company, which said premiums, or most of them were paid by the said beneficiary to the said defendant Company to the time of the death of the said insured, as hereinafter mentioned, and in accordance with the terms and conditions of the said policy of insurance in writing upon the life of one Samuel K. Behrend, the husband of the beneficiary named therein, whereby the said defendant Company promised and agreed to pay to the said plaintiff, as beneficiary named in said policy at the death of the insured, the sum of $3,000, provided satisfactory evidence of the death of the said insured be furnished them, and upon the surrender of the certificate issued; and provided further that said Member be in good standing in said Order of said defendant Company at the time of his death; and provided also that the certificate issued shall not have been surrendered by said Member and another certificate issued at his request in accordance with the rules. That thereafter, to wit, on the 20th day of October, A. D. 1914, and during the continuance of this policy, the said policy not having been surrendered, and no request having been made of plaintiff to surrender or deliver up for change of beneficiary, it having been delivered to the plaintiff as beneficiary at the time of its delivery by the Company, and having been in her possession ever since said time, all premiums having been paid, the said premiums having been paid by this plaintiff out of her own and separate estate, the said insured, Samuel K. Behrend, departed this life; that due notice and proofs of death of the said Samuel K. Behrend were furnished to the Company, and therefore, by reason of the said death, of the terms, agreements, and conditions of said policy, issued by the said defendant as aforesaid, the said sum of $3,000, became and was due and payable to said beneficiary, being the plaintiff in this suit, and the said defendant, in accordance with the terms, agreements and conditions of said policy of insurance, became and was indebted to said plaintiff in the full sum of $3,000, which said amount, or no part thereof has been paid, although demand has been made for payment of the same, to the damage of the plaintiff in the sum of $3,000.

Wherefore the plaintiff brings this suit and claims of the defendant the sum of $3,000 with interest from the 20th day of October, 1914, besides the costs of this suit.

Second Count. The plaintiff Sue B. Behrend, further sues the defendant, Supreme Council, Royal Arcanum, a corporation, for money payable by the defendant to the plaintiff for goods sold and delivered by the plaintiff to the defendant; for work done and materials furnished by the plaintiff for the defendant at its request; for money lent by the plaintiff for the defendant; for money

3 paid by the plaintiff to the defendant at its request; for money received by the defendant for the use of the plaintiff;

and for money found to be due from the defendant to the plaintiff on account stated between them.

Wherefore the plaintiff brings this suit and claims the sum of $3,000, with interest from the 20th day of October, A. D. 1914, according to the particulars of demand hereto annexed, besides the costs of this suit.

Third Count. The plaintiff, Sue B. Behrend, further sues the defendant, Supreme Council, Royal Arcanum, a corporation, organized and existing under and by virtue of the laws of the State of Massachusetts, which maintains an office or agent in the District of Columbia, and is engaged in the transaction of insurance business in the District of Columbia, for that heretofore, to wit, on the 1st day of March, A. D. 1899, the said defendant, which was then a corporation as aforesaid, and conducting the business of life insurance in the District of Columbia, the said branch office of said defendant Company being Oriental Council, # 312, and in consideration of there being paid to the defendant Company a stipulated premium each month, the said defendant Company issued and delivered the policy of insurance sued on in this cause. The plaintiff was named as beneficiary in said policy whereby the defendant agreed to pay to the plaintiff the sum of $3,000 as beneficiary in said policy, and wife of the insured: that all of said premiums were duly paid on account of the said policy up to the time of the death of the said insured, his said death having occurred on the 20th day of October, 1914, most of said premiums having been actually paid by the plaintiff out of her independent and separate estate.

Plaintiff further says that due notice was given the defendant Company by her of the fact that she, as beneficiary in said policy, and wife of the insured had actually paid out of her separate and independent estate the greater portion of the premiums received by the Company on account of this policy, and plaintiff further says that she further notified the defendant Company that she had been advised that the insured had contemplated making a change in the beneficiary named in the said certificate, and she further notified the defendant Company that the certificate was delivered to her at the time of its issuance; that it had been in her possession ever since; that she had paid the premiums on it out of her separate estate, and that insured was not mentally competent to execute any paper or writing all of which statements were and are true and known to Def. to be true, and that if there was any attempt to change the beneficiary she desired to be advised by the Company before it took action on it, and she was advised by the defendant Company on the receipt by them of her letter so advising them as aforesaid, by letter that no attempt had been made to change the beneficiary, but that if an attempt was made she, the plaintiff, would be advised before the Company acted upon it, and plaintiff says that notwithstanding the said promise, and said knowledge of the mental condition of the insured, and without any request being made of her by the
4 defendant Company, or any of its officers, directors, agents or employees to deliver up the said policy as it was their duty to do, nevertheless, after receipt of proofs of death of the said insured,

they paid the money, or claim to have paid the proceeds of the policy over to other, than the beneficiary named in said certificate, in violation of the terms of the contract between this plaintiff and the defendant, and the insured, all to the damage of the plaintiff in the sum of $3,000.

Wherefore, plaintiff brings this suit and claims of the defendant the sum of $3,000 with interest thereon from the 20th day of October, A. D. 1899, besides the costs of this suit.

W. GWYNN GARDINER,
BLAINE COPPINGER,
Attorneys for Plaintiff.

Amended Affidavit.

Leave of the Court First Had and Obtained the Plaintiff Files This as Her Amended Affidavit.

DISTRICT OF COLUMBIA, *ss:*

Sue B. Behrend, being first duly sworn, on oath deposes and says that she is the plaintiff in the suit to which this affidavit is attached, all of said allegations in said declaration being made a part of this affidavit; that she has personal knowledge of the facts and circumstances surrounding the issuance of policy # 238979, issued on the 1st day of March, A. D. 1899, by the Oriental Council # 312, Royal Arcanum, which was the policy issued to the insured Samuel K. Behrend on said date, and upon which this suit is founded, which said policy is as follows:

No. 238979. $3,000.

Royal Arcanum

Benefit Certificate.

"This certificate is issued to Samuel K. Behrend, a member of Oriental Council No. 312, Royal Arcanum, located at Washington, D. C., upon evidence received from said Council, that he is a contributer to the Widows and Orphans' Benefit Fund of this Order; and upon condition that the statements made by him in his application for membership in said Council, and the statements certified by him to the Medical Examiner, both of which are filed in the Supreme Secretary's office, be made a part of this contract, and upon condition that the said member complies in the future with the laws, rules and regulations now governing the said council and fund or that may hereafter be enacted by the Supreme Council to govern said Council and Fund, and upon condition that the said member, for himself and for any person or persons accepting or acquiring any interest in this Benefit Certificate, agrees that no action at law or in equity shall be brought or maintained on any cause or claim arising out of any membership in the Royal Arcanum or on any Benefit Certificate, unless such action is brought within

three years from the time when the right of action accrues. These conditions being complied with, the Supreme Council of the Royal Arcanum hereby promises and binds itself to pay out of its Widows and Orphans' Benefit Fund to Sue B. Behrend (wife) a sum not exceeding three thousand dollars in accordance with and under the provisions of the laws governing said Fund, upon satisfactory evidence of the death of said member, and upon the surrender of this Certificate; provided that said member is in good standing in this Order at the time of his death, and provided also that this Certificate shall not have been surrendered by said member and another Certificate issued at his request, in accordance with the laws of this Order.

In witness whereof the Supreme Council of the Royal Arcanum has hereunto affixed its Seal and caused this Certificate to be signed by its Supreme Regent and attested and recorded by its Supreme Secretary at Boston, Mass., this 1st day of Mar., A. D. 1899.

EDSON M. SCHRYVER,
Supreme Regent.

Attest:
W. O. ROBSON,
Supreme Secretary.

Witnessed and delivered in the presence of either—
WALTER G. HURLEY, JR.,
Regent, or
EDWIN A. NEISS,
Secretary of Oriental Council, No. 312, *R. A.*

I accept this Certificate on the conditions named herein.

SAMUEL K. BEHREND.
(Signature of Member.)

On the back of said Certificate appears the following:

"Form for Change of Beneficiary.

—— Council No. —, R. A.

To —— ——, Sup. Sec., S. C. R. A.: I herewith surrender and return to the Supreme Council of the Royal Arcanum, the within Benefit Certificate No. —, and direct that a new one be issued to me, payable to —— ——, Residing at ——. Related to me as ——.

.....
Member will write his name in full.

Attest:

—— ——, *Secretary.*

[Seal of Sub. Council.]

6 *Receipt for Payment of Death Claim.*

——— ——, 18—.

Received of ——— ———, Treasurer of ——— Council No. —, R. A., the amount of the within Benefit Certificate in full settlement of all claims against the Supreme Council of the Royal Arcanum, on account of the death of the within named member of said Order.

———— ————.
———— ————.

Witness:
———— ————.

We hereby Certify, That the order for the payment of the benefit due on account of the Death of the within named member, has been delivered to the proper person.

———— ————, *Regent.*
———— ————, *Secretary.*

[Seal of Sub. Council.]

Royal Arcanum
Benefit Certificate
No. —.
Death No. —.

The application made to the Company and signed by the insured, upon which the policy was issued, was not attached to and delivered with this policy, nor was there attached to, or delivered with it any other writing, or printed statements of any kind other than the policy itself as above set forth.

Deponent says that the defendant Insurance Company, according to its last annual report to the Insurance Commissioner of the District of Columbia, had a net surplus of $5,805,531.72, this being the fund referred to in the policy as the Widows' and Orphans' Benefit Fund; that the premiums were paid monthly and were in the sum of $4 47/100 plus an additional sum of $— at the end of each quarter, and all of said premiums were paid up to the time of the death of the said insured Samuel K. Behrend, most of said premiums being paid by this deponent out of her separate estate; that the said policy was issued by the defendant Company to the husband of this deponent, Samuel K. Behrend, on the 1st day of March, A. D. 1899, in the City of Washington, District of Columbia, where he paid the first premium on same, and the same being delivered to him by the officers of Oriental Council, # 312, in the City of Washington, District of Columbia; that the first premium on same was paid in the City of Washington, District of Columbia; that the insured Samuel K. Behrend, then and there delivered said policy to this deponent as a wedding present; that the same has been in her possession ever since said time, to wit, March 1, 1899; that no demand or request was made of deponent by her husband, or
7 the defendant Company, by or through any of its agents or representatives, to deliver up said policy for the purpose of

change of beneficiary, or for any other purpose before said change of beneficiary was made.

Deponent says that some time before the death of the said Samuel K. Behrend, the insured, this deponent wrote to the defendant Insurance Company and advised them in writing that she had been informed that it was the purpose of the insured to change the beneficiary in said policy and to substitute another in place of this deponent.

Deponent further advised the defendant Company in said letter that the policy was delivered to her by her husband as a wedding present at the time of their marriage, was still in her possession, and had been in her possession ever since, and that she, deponent, had paid practically all of the premiums on same out of her separate estate, and she further advised the defendant Company in said letter that the insured, Samuel K. Behrend, was in no mental condition to execute any valid writing or conveyance, and that if any attempt was made by him to change the said beneficiary that deponent desired to be advised by the defendant Company before the said change was made. Deponent says that she received a written communication in answer to said letter, from Alfred T. Turner, Secretary of the defendant Company, in which he acknowledged receipt of her letter as aforesaid, and advised her that no attempt had been made by the said Samuel K. Behrend to make any change of beneficiary, but that he would make a note of the contents of her letter, and should any request be made deponent would be advised by him. Deponent says she has never been advised by the said Alfred T. Turner, or by any other officer, director, agent, or employee of the defendant Company, that the insured desired to make a change of beneficiary and was not requested by any officer, director, agent or employee of the Company to deliver up the policy held by her, and that she had no notice of any character or kind whatsoever with relation to any change or attempted change of beneficiary, nor had deponent any notice on the subject until, to wit, September 4th, 1913, when the following letter was received by her:

Supreme Council of the Royal Arcanum.

Office of Alfred T. Turner, Supreme Secretary.

P. O. Address: 407 Shawmut Ave., Box # —, Station A.

[SEAL.]

BOSTON, September 4, 1913.

Subject: B. C. 238,979.

Please mention same in your reply.

Mrs. Sue B. Behrend, 546 West 146th St., New York, N. Y.

MADAM: Your husband, Mr. Samuel K. Behrend, has made affi-
8 davit that his Benefit Certificate is held by you, and has furnished evidence which is satisfactory to me that it is beyond his control, and as provided in our law I have issued

him a new Benefit Certificate, which *was* cancelled and rendered null and void any and all certificate previously issued to him.

Kindly take note, therefore, that the Benefit Certificate which is said to be in your hands is absolutely void and of no value whatever to you. As it has ceased to be of value I will suggest that it would be as well to return it to the office in the enclosed envelope.

Yours respectfully,

ALFRED T. TURNER,
Supreme Secretary.

Dict. J, B. R.

Deponent says that the insured died on the 20th day of October, A. D. 1914, and proofs of death being furnished the defendant of said death, demand was made upon them for the payment of sum due this deponent under the policy, to wit, $3,000; that they refused to pay the same, or any portion thereof, and therefore, deponent claims the sum of $3,000, as justly due and payable to her under the terms of said policy, with interest thereon from the date of the death of the said insured, to wit, the 20th day of October, A. D. 1914, exclusive of all set-offs and just grounds of defense.

SUE B. BEHREND.

Subscribed and sworn to before me this 2nd day of April, A. D. 1915.

[SEAL.] ROBERT E. McNAMARA,
Notary Public, D. C.

Motion for Judgment.

Filed April 20, 1915.

* * * * * * *

Comes now the plaintiff, by her counsel and moves the Court for judgment under the rules of this Court for failure to file a good and sufficient affidavit of defense.

Among the points of law to be urged upon the Court are the following:

1. That in and by said affidavit of defense it is admitted that the application upon which the policy was issued and the by-laws pleaded in the pleas of the defendant were not attached to or delivered with the policy.

2. That in said affidavit of defense it is not denied that the policy was delivered to her as a wedding present by her husband, and that the premiums were paid by the wife out of her sole and separate estate.

3. That in and by said affidavit of defense there are no facts stated upon which the Court can find that the defendant is a fraternal association as claimed.

4. That the defendant fails to state the defense to the
9 claim as pleaded in the declaration and affidavit of merit filed with the amended declaration of the plaintiff.

5. And for other good and sufficient reasons as shown upon the face of the record.

W. GWYNN GARDINER,
Attorney for Plaintiff.

To Philip Walker, Esq., Attorney for Defendant:

Take notice that the above motion will be called to the attention of Mr. Justice Stafford, holding Circuit Division # 2, on Saturday next, April 24, 1915, at ten o'clock A. M., or as soon thereafter as counsel can be heard.

W. GWYNN GARDINER,
Attorney for Plaintiff.

Supreme Court of the District of Columbia.

SATURDAY, April 24th, 1915.

Session resumed pursuant to adjournment, Hon. Wendell P. Stafford, Justice, presiding.

* * * * * * *

Now comes on for hearing plaintiff's motion filed herein April 20th, 1915, by her attorney, for judgment under the 73rd Rule, and after the same is considered in part the defendant moves for leave to file a substitute affidavit of defense, within twenty days of this date, which is hereby granted. Whereupon, said motion for judgment is continued.

Substituted Pleas to the Amended Declaration.

Filed May 7, 1915.

* * * * * * *

(Filed with leave of court first had and obtained.)

1. For plea to the first and third counts of the amended declaration of the plaintiff, Sue B. Behrend, the defendant, Supreme Council of the Royal Arcanum, says that it is a corporation of the Commonwealth of Massachusetts, and is the governing body of the "Royal Arcanum," which is a fraternal benefit society, as defined by the laws of said Commonwealth, and a fraternal beneficial association, as defined in section 749 of the Code of Law for the District of Columbia; that on or about the 1st day of March, A. D. 1899, it issued its benefit certificate to Samuel K. Behrend, now deceased, hereinafter called the member, as a member of the Oriental Council, No. 312, of the Royal Arcanum, said certificate being numbered 238,979, whereby the defendant, upon the conditions therein named, agreed to pay to the plaintiff, as the wife of the member, the sum of three thousand dollars, upon due proof of the death of said member; that one of the said conditions was that the said sum should be paid to the plaintiff provided the said certifi-

cate had not been surrendered by the member, and a new certificate issued at his request, in accordance with the Laws of the Royal Arcanum; that among the Laws of the Royal Arcanum, adopted under the authority of the laws of the Commonwealth of Massachusetts, are those numbered 333, 334, 335, 336, 337 and 338, which relate to change of beneficiary, which were in force and effect at the time of the happenings hereinafter mentioned. That the said laws are to be found on page 64 of the "Constitutions and Laws of the Royal Arcanum," of which a printed copy is attached hereto, marked Exhibit A, and the laws numbered as above (333-338) are hereby made a part of this plea, to the same extent as if fully set forth herein. And the defendant says that on or about the 8th day of August, A. D. 1913, the said member, in accordance with the terms of said section 336, in writing satisfied the said Supreme Secretary that the said certificate was beyond the control of said member, and did also surrender all claim thereto, and directed the defendant to issue to him a new certificate, payable to new beneficiaries, namely to one Margaret B. Meyer, a daughter of the member, and one P. Albert Behrend, a son of the member, each being a legal beneficiary under the Laws of the Order, and, on or about the 14th day of said August, did deliver such writing, surrender, and direction, together with the specified fee of fifty cents, to the Secretary of Oriental Council, No. 312, Royal Arcanum, and through said Secretary did deliver the same to the Supreme Secretary; whereupon, the defendant, in pursuance of said written direction, issued a new certificate to the said member, on or about the 19th day of said August, which certificate was also numbered 238,979, wherein the defendant agreed to pay to the said new beneficiaries the sum of Three Thousand Dollars, one-half thereof to each, upon the performance of the conditions in said new certificate named; by virtue of which action, and the provisions of the aforesaid section 338 of said Laws, the defendant says that the certificate first above named, in which the plaintiff was named as beneficiary, became and has ever since been null and void; that during the whole of the said month of August the said Samuel K. Behrend was of sound mind and capable in law of directing the said change of beneficiary, and receiving the said new certificate; and this it is ready to verify. Wherefore the defendant prays judgment if the plaintiff ought to have or maintain her aforesaid action against it.

2. For further plea to the first and third counts of the amended declaration of the plaintiff, Sue B. Behrend, the defendant, Supreme Council of the Royal Arcanum, says that it is a corporation of the Commonwealth of Massachusetts, and is the governing body of the "Royal Arcanum," which is a fraternal benefit society, as defined by the laws of said Commonwealth, and a fraternal beneficial association, as defined in section 749 of the Code of Law for the District of Columbia; that on or about the 1st day of March, A. D. 1899, it issued its benefit certificate to Samuel K. Behrend,

11 now deceased, hereinafter called the member, as a member of Oriental Council, No. 312, of the Royal Arcanum, said certificate being numbered 238,979, whereby the defendant, upon

the conditions therein named, agreed to pay the *the* plaintiff, as wife of the member, the sum of Three Thousand Dollars, upon proof of the death of the member; that one of the said conditions was that the said sum should be paid to the plaintiff provided the said certificate had not been surrendered by the member, and a new certificate issued at his request, in accordance with the Laws of the Royal Arcanum. And defendant says that thereafter, to wit, on the 14th day of August, 1913, the said certificate was surrendered by the member, who was at the time of sound mind and capable in law of making such surrender, and a new certificate issued at his request, by the defendant, in accordance with the Laws of the Royal Arcanum; and this it is ready to verify. Wherefore the defendant prays judgment if the plaintiff ought to have or maintain her aforesaid action against it.

3. For plea to the second count of the amended declaration of the plaintiff, Sue B. Behrend, the defendant, Supreme Council of the Royal Arcanum, says it never undertook and promised as alleged.

4. For further plea to the second count of the amended declaration of the plaintiff, Sue B. Behrend, the defendant, Supreme Council of the Royal Arcanum says it never was indebted as alleged.

PHILIP WALKER,
Attorney for Defendant.

Substituted Affidavit of Defense.

Filed with Leave of Court First Had and Obtained.

(In answer to Plaintiff's amended affidavit.)

COMMONWEALTH OF MASSACHUSETTS,
County of Suffolk, ss:

I, Alfred T. Turner, having been first duly sworn, on oath say that I am the Supreme Secretary of the Supreme Council of the Royal Arcanum, the defendant herein, and that said defendant has a good defense to all of the cause of action set forth in the affidavit of the plaintiff, Sue B. Behrend, attached to her amended declaration, which defense is as follows: That the defendant is a corporation of the Commonwealth of Massachusetts, incorporated as a beneficiary association under and by virtue of the statutes then in force in the said Commonwealth, on the fifth day of November, 1877. That, by the session laws of the said Commonwealth for the year 1874, chapter 375, section 6, which chapter and section were in full force and effect at the time of the incorporation of defendant, it was provided that the said corporation might prescribe by its by-laws the manner in which and the agents by whom the purposes of its incorporation might be carried out. That the said corpora-
12 tion, acting under the said authority, has from time to time adopted certain by-laws, known as "Constitutions" and "General Laws," which Constitutions and General Laws, now in force and

effect, are by reference made a part of this affidavit, a copy thereof being attached hereto, marked Exhibit A. That a copy of the Certificate of Incorporation of the defendant will be found on page 150 of said Exhibit, and is in the form prescribed for beneficiary associations by the session laws of the said Commonwealth, for the year 1875, chapter 49, section 2, which chapter and section were in full force and effect at the time of the incorporation of defendant. That by the session laws of the said Commonwealth for the year 1877, chapter 204, section 2, such beneficiary associations were not subject to the general laws applicable to life-insurance companies in the said Commonwealth, and said chapter and section were in full force and effect at the time of the incorporation of the defendant.

The defendant corporation is the governing body of the "Royal Arcanum," which is a fraternal beneficial association, as the same is defined by section 1, of the Act of Congress of the United States, approved March 4th, 1897, entitled "An Act regulating fraternal beneficial associations in the District of Columbia," (29 Statutes at Large, 630); and as defined by section 749 of the Code of Law for the District of Columbia; in that:

First. It is an "Order," the objects of which, as defined in section 3 of the Constitution of its Supreme Council, (Exhibit A, page 1) are as follows:

Fraternal Union, 1st. To unite fraternally all white men of sound bodily health and good moral character, who are socially acceptable and between eighteen and fifty-five years of age.

Aid to Members and Defendants. 2nd. To give all moral and material aid in its power to members and those dependent upon them.

Educate Members, Assist Widows and Orphans. 3rd. To educate the members socially, morally and intellectually; and to assist the widows and orphans of deceased members.

Relieve Distressed and Sick Members. 4th. To establish a fund for the relief of distressed and sick members.

5th. To establish a fund for the payment of Disability and Old Age Benefits.

Widows and Orphans' Benefit Fund. 6th. To establish a Widows and Orphans' Benefit Fund, from which, on the satisfactory evidence of the death of a member of the Order, who has complied with all its lawful requirements, a sum not exceeding three thousand dollars shall be paid to the wife, children, relatives of, or persons dependent upon such member, as limited and described in the laws of said Order, relating to Benefit Certificates, as he may direct in accordance with said Laws, and from which benefits, as prescribed by said Laws, may be paid to members upon attaining 70 years of age.

Second. That the said Order was organized and is carried on for the sole benefit of its members and their beneficiaries and not for profit, in that its revenues consist: First, of Supreme Council dues of eighty cents per annum from each member of the Order
13 within a Grand Council jurisdiction, and one dollar per annum from each member not within a Grand Council jurisdiction, which Supreme Council dues, together with receipts from the sale of supplies and other miscellaneous receipts, constitute the

General Fund of the Order (Sec. 368, page 70; Secs. 104-110 pages 23-24; Exhibit A), which is used to meet the general expenses of the Supreme Council, but not to pay death benefits (Sec. 63, page 12, Exhibit A); and, second: Certain assessments levied upon the members in accordance with their mortality risks, and the amounts payable upon their deaths (Sec. 430, pages 82-93, Exhibit A), and payable at least one each month (Sec. 433, (1), page 94, Exhibit A), and oftener if an extra assessment is levied in accordance with section 454 of said Laws (page 100, Exhibit A); all of which assessments are paid into the Widows and Orphans' Benefit Fund, and may only be disbursed in the payment of death benefits, or in transfers to the Emergency Fund (Sec. 62, page 12, Exhibit A).

That the expenses of subordinate councils are met from dues contributed by their membership (Sec. 370 (1), page 71, Exhibit A); and the expenses of Grand Councils from per capita payments from the subordinate councils under their respective jurisdictions (Sec. 129. page 27, Exhibit A).

That there is no law of the Order which permits any distribution of the Widows and Orphans' Benefit Fund, and the Emergency Fund, of the defendant, other than for the direct benefit of the members and their beneficiaries. That the only salaries are those paid from the General Fund to officers and members of standing committees of the Supreme Council who devote all or much of their time to the work of the Order, such salaries being fixed from year to year by vote of the Supreme Council (Sec. 113, page 24, Exhibit A) the salaries payable during the Supreme Council year 1914-1915 being as follows:

Supreme Regent	$5,000
Supreme Secretary	6,000
Supreme Treasurer	4,500
Supreme Auditor	1,500
Medical Examiner-in-chief	4,500
Examiner of Claims	6,000
Chairman, Committee on Laws	*6,000
Two members of same at $300	600
Chairman, Committee on Finance	350
Two members of same at $200	400
Three members, Committee on State of Order	750
Two elective members Executive Committee, one at $1,000; one at $250	1,250
Chairman, Supreme Trustees	300
Two Supreme Trustees, at $200	400
Junior Past Supreme Regent, allowance for previous years.	250
Total	$37,300

*Also acts as Legal Adviser and General Counsel.

14 That, in addition to the above salaries, it pays the members of its Supreme Council mileage at the rate of five cents per

mile from their places of residence, and return, to attend its sessions (Sec. 111, page 24, Exhibit A), and per diem while in attendance on the Supreme Council at a rate fixed each year by the Supreme Council (Sec. 112, page 24, Exhibit A), and which, at the session of 1914, was fixed at ten dollars.

Third. That it has a lodge system, with ritualistic form of work, as is evidenced by the "Constitution of Subordinate Councils" (pages 33-50, Exhibit A), and Sections 600 and 601 of the General Laws of the Order (page 117, Exhibit A).

Fourth. That it has a representative form of government, in that, in every State, Province of the Dominion of Canada, and in the District of Columbia, where the number of councils and members are equal to the number required by the Laws of the Order, a Grand Council may be organized, which Grand Council is empowered to elect representatives to the Supreme Council, who have full powers of members of the Supreme Council. That presiding officers of subordinate councils are known as Regents, and each Grand Council is originally formed of the regents and past regents of the councils within the jurisdiction for which the Grand Council is formed; that Grand Councils hold annual or biennial meetings, and at each meeting elect officers to hold office until the end of the next succeeding meeting. That, after the organization of a Grand Council, each subordinate council within its jurisdiction is entitled to elect a number (depending upon its membership) of representatives to such Grand Council, and thereafter such Grand Council consists of those who participated in its organization, its officers and standing committees, representatives from subordinate councils, and representatives to the Supreme Council from such Grand Council, and their alternates. (Grand Council Constitution, pages 26-32, Exhibit A.)

That in the elections of representatives to a Grand Council each and every member in good standing in each subordinate council within the jurisdiction of such Grand Council, has an equal voice and vote, and in the election of representatives to the Supreme Council each and every member of each Grand Council has an equal voice and vote. Members of councils not within a Grand Council jurisdiction, and members at large, have no direct representation, though direct representation will be acquired when the number of councils and members in their respective States reaches a sufficient number for the formation of a Grand Council.

That, on December 31, 1914, the membership of the Order and number of Councils, was as follows:

Councils under Grand Councils	1,872	
Membership of same		243,926
Councils under Supreme Council	38	
Membership of same		2,055
Members-at-large		6
Total number of councils	1,910	
Total membership		245,987

15 That the Supreme Council consists of its officers and standing committees, elected at its annual meetings, the representatives from Grand Councils, and all former presiding officers of the Supreme Council, who are known as Past Supreme Regents; and in addition thereto, those living of the incorporators of the defendant corporation, and any member who has held the same office in the Supreme Council for thirty consecutive years, are life members, provided they remain in good standing in their respective councils (Sec. 8, page 3, Exhibit A). That the Supreme Council, at its meeting in 1914, was constituted as follows:

Officers and Standing Committees, omitting duplications		30
Living incorporators		2
Past Supreme Regents	12	
Deduct those who are officers or members of standing committees	8	
Net Past Supreme Regents		4
Representatives from Grand Councils		82
Total membership		118

That each and every of the representatives from Grand Councils had been elected for a term of two years by the indirect vote of the members of councils in Grand Council jurisdictions, in accordance with the Laws of the Order (Sec. 135, page 29, Exhibit A) and as hereinbefore set forth; and each and every Past Supreme Regent (except the first one who was an incorporator), and each and every officer and member of a standing committee, obtained his original membership in the Supreme Council by election by a Grand Council, in whose jurisdiction was the council to which such Past Supreme Regent, officer or members of committee, belonged.

Fifth. That the Order makes provision for the payment of benefits in case of death, as is evidenced by Sections 462 to 473*b*, of the General Laws (pages 102-105, Exhibit A).

That each and every of the by-laws before cited, in their general form, and in-so-far as they prescribed the general objects and mode of government of the Order, were in full force and effect when the plaintiff's insured was admitted into membership, in March, 1899, and ever since have been.

That defendant is licensed as a fraternal benefit society by the Insurance Department of its domicile, the Commonwealth of Massachusetts, and as a fraternal beneficial association by the Insurance Department of the District of Columbia, and is not required by either of those departments, or by the departments of the thirty-five other States in which it is licensed, to comply with the laws relating to life-insurance companies.

That defendant has no capital stock or stockholders, and pays no dividends, and carries none of the reserves required of life-insurance

companies. That defendant is not a life-insurance company, as stated in the affidavit of the plaintiff.

16 That defendant collect no premiums, in the sense of fixed periodical payments, but it assesses the members of the Order certain amounts payable at least once a month, and oftener if extra assessments are levied, as may be done in accordance with section 454 of the General Laws. (Page 100, Exhibit A.)

That defendant limits the beneficiaries of its benefit certificates to the classes of persons designated in Section 749 of the Code of Law for the District of Columbia, that is to say to the families, heirs, blood relatives, affianced wife of or to persons dependent upon the member. (Sec. 323-4, pages 61-62, Exhibit A.)

That defendant prohibits the designation of beneficiaries by will (Sec. 325, page 62, Exhibit A), or of a creditor as beneficiary (Sec. 326, page 62, Exhibit A), or of beneficiaries residing without the United States or the Dominion of Canada, or territory owned or controlled by the United States (Sec. 328, page 62, Exhibit A).

Answering the allegations of the plaintiff's affidavit that defendant, "according to its last report to the Insurance Commissioner of the District of Columbia, had a net surplus of $5,805,531.72, this being the fund referred to in the policy as the Widows and Orphans' Benefit Fund," affiant states that, according to the said report, and to the actual facts, the defendant's admitted assets and its liabilities, on the 31st day of December, 1914, as of which date its last report to the Superintendent of Insurance of the District of Columbia was made, were as follows:

Admitted Assets.

Market value of real estate	$65,000.00
Loans secured by matured benefit certificates	46,511.80
Market value of bonds	5,012,772.00
Deposits in Trust Companies and Banks	568,106.62
Deposit with Provincial Treasurer of Quebec	5,000.00
Assessments collected by subordinate councils but not transmitted to Supreme Council	630,323.40
Interest accrued	76,593.95
Supreme Council dues	97,183.15
Total admitted assets	$6,501,490.92

Liabilities.

Death claims, due and unpaid	$70,595.75
Resisted death claims	26,500.00
Death claims reported but not adjusted	695,200.00
Miscellaneous	3,663.45
Total liabilities	$795,959.20
Admitted assets	$6,501,490.92
Admitted liabilities	795,959.20
Net surplus	$5,805,531.72

17 That, of the said net surplus, the following belonged to the Emergency Fund, and not to the Widows and Orphans' Benefit Fund, as such, that is to say: Bonds, $5,012,772.00; of the deposits in trust companies and banks, $111,501.83; and of the accrued interest, $75,218.75; in all $5,199,492.58. That the Laws of the Order (Sec. 459, page 101, Exhibit A), provide that when the Widows and Orphans' Benefit Fund on deposit by the Supreme Treasurer, exceeds the mortality liabilities reported to the Supreme Secretary, and the Executive Committee, by an affirmative vote of at least seven of its eleven members, deem it advisable to do so, the Supreme Treasurer shall transfer the excess to the Emergency Fund, which may only be used to pay mortuary claims when the Supreme Council by a two-thirds vote, or the Executive Committee, by a three-fourths vote, may so direct. That the purpose of the said Emergency Fund is to liquidate excessive mortality claims in the future.

All of the sections of the Constitutions and General Laws of the Royal Arcanum, hereinbefore referred to, are hereby specifically made a part of this affidavit, and are prayed to be read therewith to the same extent as though set forth at large therein.

And affiant further avers that, on or about the first day of March, 1899, one Samuel K. Behrend was admitted to membership in a subordinate council of the Royal Arcanum, known as Oriental Council, No. 312; that defendant did on or about said date, issue to the said Samuel K. Behrend its benefit certificate, whereby, upon the performance of the conditions therein named, defendant promised to pay the sum of Three Thousand Dollars to the plaintiff, as wife of the insured; that one of the said conditions was that the said sum should be paid to the plaintiff, provided the said certificate had not been surrendered by the member, and a new certificate issued at his request, in accordance with the Laws of the Royal Arcanum; that certain of the Laws of the Royal Arcanum, being sections 333 to 338, govern change of beneficiary. That the said sections are to be found on pages 64 and 65 of Exhibit A, attached to this affidavit, and the same are hereby prayed to be read as a part of this affidavit, to the same extent as if fully set forth herein. That the said Laws governing change of beneficiary were, during the month of August, 1913, and ever since have been and still are in full force and effect; that on or about the 8th day of August, 1913, the said Samuel K. Behrend, being then in good standing in the Royal Arcanum, did make affidavit to the effect that the aforesaid certificate was then in possession of his wife, the plaintiff, with whom he was not living at the time, and that he had made demand upon her for its return, and that she had refused to return it to him; and thus satisfied affiant, who was then such Supreme Secretary, that said certificate was beyond the control of said Samuel K. Behrend; that said Samuel K. Behrend did then, on or about the 14th day of August, 1913, deliver to the Secretary of Oriental Council, who forwarded them to affiant as such Supreme Secretary, a written surrender of all claim

under the said certificate, a fee of fifty cents, and a written
18 direction to the defendant to issue to him, the said Samuel K. Behrend, a new certificate, payable one-half to Margaret B. Meyer, his daughter, and one-half to P. Albert Behrend, his son, all in accordance with the Laws of the Royal Arcanum; that thereupon, on or about the 19th day of August, 1913, the defendant, in pursuance of the said direction and request of said Samuel K. Behrend, did issue a new certificate to said Samuel K. Behrend, and deliver the same to him, which certificate, under the same terms and conditions as the original certificate, was payable one-half to the said Margaret B. Meyer, and one-half to the said P. Albert Behrend, who were legal beneficiaries under the Laws of the Royal Arcanum; that thereafter the defendant received duly executed and satisfactory proofs of the death of the said Samuel K. Behrend, and did, on or about the 21st day of December, 1914, pay the sum of Fifteen Hundred Dollars to the said Margaret B. Meyer, and the sum of Fifteen Hundred Dollars to the said P. Albert Behrend, in full discharge of the said substituted certificate, which was taken up and cancelled by the defendant. Affiant admits that the form of the certificate shown in the plaintiff's affidavit is correct, and that no copy of the application therefor was attached thereto and delivered therewith, but he is advised by counsel, and so charges, that there was, in 1899, no law in force in the District of Columbia whereby such copy was required to be attached to and delivered with a benefit certificate issued by the defendant.

Affiant denies that the said Samuel K. Behrend, or any one for him, paid all premiums at the rate of $4.47, as stated in plaintiff's affidavit, but avers that there were paid eighty assessments at $3.98, and one hundred and nine assessments at $4.47, or in all $807.08, on account of the two certificates hereinbefore mentioned. Affiant avers that the quarterly payment of one dollar mentioned in plaintiff's affidavit, was not paid to defendant, but, if paid at all, was paid to Oriental Council for its use. Affiant further avers that no letter from the plaintiff was received at the office of affiant, as Supreme Secretary, with regard to the change of beneficiary, and no assurance was given by affiant that she would be advised if application were made for change of beneficiary. Affiant further avers that he was never notified by plaintiff, before the death of her husband, that said husband was of unsound mind, and not capable of changing his beneficiary, and he is informed, and upon belief avers, and defendant expects to prove at the trial, that no such notice was sent to the officers of Oriental Council. Affiant is informed, and upon belief avers, and defendant expects to prove at the trial, that, at the time the said Samuel K. Behrend directed the said change of beneficiary and the new and substituted certificate was issued to him, he was of sound and disposing mind, and capable in law of directing the said change. Affiant has no means of knowing, except from the averments of plaintiff's affidavit, whether she paid from her independent estate any or many of the assessments received by the defendant, but he is informed, and upon belief avers, and defendant

1914

THE CODE OF

Constitutions and Laws

OF THE

ROYAL ARCANUM,

COVERNING THE

Supreme, Grand and Subordinate Councils and Members,

WITH NOTES OF DECISIONS

AS AMENDED AT THE THIRTY-SEVENTH ANNUAL SESSION OF THE SUPREME COUNCIL, AT NEW YORK, N. Y., MAY 20 TO 23 INCLUSIVE, 1914,

PROMULGATED TO TAKE EFFECT AUG. 1, 1914,

The Amendments to Sections 3 (26), 46 (3), 272b, 459 (3) (4) (7), 461 (2), 462 (1), 468, 502, to take effect May 20, 1914.

Amendments to Sections 62a, 226 (2), 228, 241, 262, 270, 459 (1) (10), 462 (1) (3), 510, 516 (2), (3); Repeal of Sections 462 (2) and 502; with New Sections 462 (2) and New Note 1 under Section 271, to take effect August 1, 1914.

Amendments to Section 459 (2) (3); New Section 3 (26), with present paragraph (26) renumbered (27); New Section 97b (9), with present paragraphs (9) and (10) renumbered (10) and (11); New Chapter VIII of Title VI, consisting of Sections 474, 475 and 476, to take effect October 1, 1914.

Alfred Turner

Supreme Secretary.



AUGUST 1, 1914.

PUBLISHED BY THE SUPREME COUNCIL,
407 SHAWMUT AVENUE, BOSTON, MASS.

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AS AMENDED AT THE THIRTY-SEVENTH ANNUAL SESSION OF THE SUPREME COUNCIL, AT NEW YORK, N. Y., MAY 20 TO 28 INCLUSIVE, 1914,

PROMULGATED TO TAKE EFFECT AUG. 1, 1914,

The Amendments to Sections 2 (16k), 46 (2), 278, 280 (3) (4) (7), 441 (1), 446 (1), 446, 502, to take effect May 28, 1914.

Amendments to Sections 60a, 102 (1), 235, 241, 265, 286, 400 (1) (10), 402 (1) (5), 406, 501 (2), 502; Repeal of Sect. no 402 (2) and 502; with New Sections 402 (2) and New Note 1 under Sec. no 271, to take effect August 1, 1914.

New Sections to Section 400 (2) (3); New Section 2 (16k), with present paragraph (16k) renumbered (4); New Section 70b (3), with present paragraphs (3) and (10) renumbered (10) and (11); New Chapter VIII of Title VI, consisting of Sections 424, 425 and 426, to take effect October 1, 1914.

Alfred Turner

Supreme Secretary.



AUGUST 1, 1914.

PUBLISHED BY THE SUPREME COUNCIL,
697 SEAWEIGH AVENUE, BOSTON, MASS.

EXTRA HAZARDOUS RISKS.

EXTRA HAZARDOUS RISKS, WHICH MUST BE REFERRED TO THE MEDICAL EXAMINER-IN-CHIEF.

Applicants employed—

1. In the manufacture or sale of gunpowder or other explosives.
2. In putting up electric light, telegraph or telephone wires or poles, except inside wiring, or in charge of dynamos with a voltage of more than five hundred.
3. In grinding steel.
4. In railroading, if employed in train service in any capacity.
5. As common miners.
6. As shore fishermen.
7. As members of life-saving stations on the coasts.
8. As policemen, in cities of more than 100,000 population, when the benefit applied for exceeds the first amount.
9. As members of city fire departments, in cities of more than 100,000 population, when the benefits applied for exceed the first amount.
10. As employees of breweries and distilleries.
11. As salesmen of intoxicating liquor at wholesale.
12. Applicants who have applied for, or are in receipt of, pensions from the U. S. Government, are to be considered impaired risks, unless it appears that the cause for which they receive pensions does not tend to shorten life, such as loss of finger, or hand, or some of the smaller members.
13. Applicants employed as iron and steel builders in structural work on buildings and bridges.
14. An applicant whose arm has been amputated above the elbow.

The above classes, and all others which seem to the Supervising Examiners to be extra hazardous, should be referred to the Medical Examiner-in-Chief, not as applicants who are necessarily to be rejected, but because they must show to his satisfaction that their manner of life will not expose them to constant danger of fatal accident or disease.

The owner, proprietor or keeper of a hotel or restaurant where no intoxicating liquor is sold, is engaged in neither an extra hazardous nor a proscribed occupation.

Owners, proprietors and keepers of hotels and restaurants where intoxicating liquors are sold, are engaged in a proscribed occupation, but may, under certain conditions, be eligible upon approval by the Medical Examiner-in-Chief, as provided in Sec. 272.

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IN THIRTY-SEVENTH ANNUAL SESSION.

NEW YORK, N. Y., May 28, 1914.

The Amendments to Sections 3 (5th), 63 (2), 97th, 437 (3) (4) (7), 441 (2), 443 (1), 444, 508, took effect May 28, 1914.

Amendments to Sections 62a, 225 (2) 243, 311, 338, 439 (1) (7th), 461 (1) (5), 500, 564, 602, 607; repeal of Sections 462 (2) and 523; with new Sections 462 (2) and new Note 1 under Section 371, adopted to take effect August 1, 1914.

Amendments to Section 439 (2) (3; new Section 3 (5th) with present paragraph 5th re-numbered 6th; new Section 9th (9) and present paragraphs 9 and 10 re-numbered 10 and 11; new Chapter VIII, of Title VI, consisting of Sections 474, 475 and 476, adopted to take effect October 1, 1914.

RESOLVED: That the Constitutions and General Laws of the Supreme Council of the Royal Arcanum, governing the Supreme, Grand and Subordinate Councils and members, set forth in "The Code of Constitutions and Laws of the Royal Arcanum, governing the Supreme, Grand and Subordinate Councils and members, as amended at the Thirty-sixth Annual Session of the Supreme Council, May 21st to 29th, inclusive, 1913," as amended at this present annual session, being its Thirty-seventh Annual Session, be, and the same are hereby re-enacted and adopted to take immediate effect, excepting as to the amendments adopted at this Annual Session, and such amendments to take effect August 1, 1914, or upon the date especially ordered therefor.

Resolution adopted, 96 in the affirmative and none in the negative.

Attest:

Alfred J. Turner

Supreme Secretary.

SUPREME COUNCIL OF THE ROYAL ARCANUM

Howard L. Wiggins,

Chairman of Committee on Laws.

PART I.

SUPREME COUNCIL CONSTITUTION.

ARTICLE I.

THE SUPREME COUNCIL.

CHAPTER I.

Name and Powers.

Name and Powers.

SECTION 1. This body shall be known as the SUPREME COUNCIL OF THE ROYAL ARCANUM, with power to make and amend its own Constitution, Rules of Discipline, and Laws for the government of the whole Order.

1. The source of all authority in the Royal Arcanum must emanate from the Supreme Council. The claim of any society or order to be connected with or to have sprung from the Royal Arcanum is without foundation.—[Resolution, Pro. 1880, p. 111.

2. The Royal Arcanum is a secret, benevolent and fraternal society, the management and control of which is confined exclusively to its members.—[Decision Supreme Court of Nebraska, Pro. 1892, p. 49.

Appeals to.

SEC. 2. It is the body whose decision on all appeals taken to it from Grand and Subordinate Councils, and from members of the Order, shall be final.

1. An appeal based simply upon the statement of the case by the appellant, though accompanied by a very complete and logical brief thereon, is not a proper paper on which the Supreme Council should base a ruling on an important matter.—[Adopted report, Pro. 1896, pp. 122, 123.

CHAPTER II.

Objects of the Order.

SEC. 3. The objects of the Order are: —

Fraternal Union.

1st. To unite fraternally all white men of sound bodily health and good moral character, who are socially acceptable and between eighteen and fifty-five years of age.

Aid to Members and Dependents.

2d. To give all moral and material aid in its power to its members and those dependent upon them.

Educate Members, Assist Widows and Orphans.

3d. To educate the members socially, morally, and intellectually; and to assist the widows and orphans of deceased members.

Relief Fund and Sick Members.

4th. To establish a fund for the relief of distressed and sick members.

5th. To establish a fund for the payment of Disability and Old Age Benefits.

Widows and Orphans' Benefit Fund

6th. To establish a Widows and Orphans' Benefit Fund, from which, on the satisfactory evidence of the death of a member of the Order, who has complied with all its lawful requirements, a sum not exceeding three thousand dollars shall be paid to the wife, children, relatives of, or persons dependent upon such member, as limited and described in the Laws of said Order, relating to Benefit Certificates, as he may direct in accordance with said Laws, and from which benefits, as prescribed by said Laws, may be paid to members upon attaining 70 years of age.

1. Neither the corporation nor a member can divert any part of the fund from those for whose benefit it was accumulated.—[Decision, Court of Errors of New Jersey, Britton case, Pro. 1888, p. 58.

CHAPTER III.

Meetings.

Annual Meetings.

Sec. 4. The Supreme Council shall meet annually on the third Wednesday in May, at two o'clock P. M., at such place as may have been selected by a majority of its members present at the previous session; provided, that such meeting shall be held in some State, Province, or Territory, wherein a Grand Council or a Subordinate Council of the Order is established; and provided, further, that in case an emergency shall arise which, in the judgment of the Executive Committee, or any seven of them, makes it expedient to change the time herein fixed, or the place selected by the Supreme Council at the preceding annual meeting, for holding an annual meeting of the Supreme Council, the Executive Committee may select another place or time therefor, and the time or place which said Executive Committee, or any seven of them, shall select shall be the time or place for holding said annual meeting, as though selected therefor by the Supreme Council as above provided.

1. The meeting-place is designated by the Supreme Regent, and notice given to the Order in a circular promulgated at least thirty days prior to the time of said meeting.—[Res., Pro. 1888, p. 58, and circulars in subsequent years giving notice of annual meetings.

2. The acts of the Supreme Council at meetings held outside of the Commonwealth have the same effect as if done within the Commonwealth.—[See Appendix.

Special Meetings.

Sec. 5. Special meetings shall be called by the Supreme Regent upon the written request of a majority of the Representatives to the Supreme Council representing seven or more Grand Councils.

Notice.

Sec. 6. The Supreme Secretary shall notify, by circular, each Grand Council entitled to representation in the Supreme Council, the Councils of the Order, and every member of the Supreme Council, of the time, place, and object of the meeting.

Quorum.

Sec. 7. One-third of the entire membership of the Supreme Council shall constitute a quorum; but less than that number may adjourn to meet at a future specified time.

Principal Office.

Sec. 7a. The principal office of the Supreme Council shall be the office of the Supreme Secretary, in the City of Boston, State of Massachusetts.

CHAPTER IV.

Membership.

Who Compose.

SEC. 8. The Supreme Council shall be composed of its officers, the Representatives from Grand Councils, and all Past Supreme Regents. No other member of this Order shall be admitted under any circumstances, except that the incorporators of the Supreme Council, named in the original certificate of incorporation issued by the Secretary of the Commonwealth of Massachusetts, November 5, 1877, and any member who has held the same office in the Supreme Council for thirty consecutive years, shall be life members, provided they remain in good standing in their Councils; and excepting that the Medical Examiner-in-Chief shall be an *ex-officio* member, but shall not be entitled to vote; and excepting a Journal Clerk, and a Reading Clerk, who shall be members of this Order, to be appointed by the Supreme Secretary, who shall be admitted to the sessions whenever necessary to assist the Supreme Secretary in keeping the Journal of Proceedings, and shall not be entitled to voice or vote.

1. The original members of the Supreme Council were created Past Regents by vote.—[Vote, Pro. 1877, p. 7.

2. Any action which shall affect the membership in the Supreme Council of those whose names appear in the original certificate of incorporation, would be of doubtful legality.—[Adopted report, Pro. 1900, p. 144.

3. A Special Committee appointed at one session, having made a partial report to the succeeding session, and being instructed to report to the next session, holds over if the Supreme Council takes no further action. But such holding over does not carry any authority to serve on that committee after a member's term of service as an elective officer or Representative shall have expired.—[Decision, Pro. 1901, p. 139; also Res., 1901, p. 138.

4. Ex-members of the Supreme Council are not permitted to occupy complimentary seats during the session thereof. Ruling in session, Pro. 1904, p. 169.

Representatives and Credentials.

SEC. 9. Each Grand Council shall be entitled to one Representative in the Supreme Council. Representatives shall present their credentials, and upon the acceptance thereof, by the Supreme Council, shall be initiated therein.

1. In case of loss of credentials, the printed Proceedings under seal of a Grand Council, showing the election of a Representative, may be accepted as proper credentials.—[Henry (Pa.) case, Pro. 1883, pp. 122, 123.

2. A Representative who has left his credentials may be admitted by special vote, if vouched for by members of the Supreme Council.—[Vote, Pro. 1879, p. 2.

Additional Representatives.

SEC. 10. (1) Whenever a Grand Council includes within its jurisdiction a membership of twenty-five hundred, it shall be entitled to one additional Representative. Whenever such membership is sixty-five hundred, it shall be entitled to an additional Representative. And each Grand Council shall be entitled to one additional Representative for each five thousand members above the first sixty-five hundred members.

(2) It must appear by the records in the Supreme Secretary's office that at the time of the election the Grand Council had under its jurisdiction the requisite membership to entitle it to the additional Representative.

Representative from Delinquent Grand Council.

SEC. 11. A Representative from any Grand Council that has neglected to make reports of the membership within its jurisdiction, or is indebted to the Supreme Council for supplies to the amount of

more than two hundred dollars, cannot be admitted to the Supreme Council, except by a three-fourths vote of the members present; nor a Representative from a Grand Council in the jurisdiction of which there are less than one thousand members, cannot be admitted to the Supreme Council, while his Grand Council is under suspension.

Resignation of Representative.

SEC. 12. Any Representative who shall vacate or resign his office of Representative shall be deemed by so doing to have vacated or resigned any office held by him in the Supreme Council; but the expiration of his term as Representative shall not vacate any elective office held by him in the Supreme Council.

Representative and Alternate not Admitted.

SEC. 13. A Representative and his Alternate shall not both be admitted during any one annual or special meeting of the Supreme Council.

1. On account of necessary absence a Representative was unable to be present at the opening of the session, and his Alternate was admitted. Subsequently the Representative applied for admission. Held: that the Representative was not entitled to the seat during the session, the Alternate having practised no fraud or deceit in procuring admission.—[Accepted report, Donavin (Md.) case, Pro. 1902, pp. 182, 186.

2. An Alternate having been admitted and recognised, the Representative cannot be admitted upon his personal application without showing cause for such admission.—[Ruling of S. R. in Donavin case (Md.), Pro. 1902, p. 182.

If Representative can Attend, Alternate cannot.

SEC. 14. An Alternate present at the first annual meeting in his term shall not thereby be entitled to represent his Grand Council, at any subsequent meeting of the Supreme Council during his term if the Representative is able to attend.

Credentials of Alternate.

SEC. 15. An Alternate, before being admitted to the Supreme Council, shall present, together with his certificate of election, written evidence from the Grand Secretary of his jurisdiction, or from the Representative for whom he is elected Alternate, that the Representative is unable to attend the meeting of the Supreme Council.

ARTICLE II.

SUPREME COUNCIL OFFICERS.

CHAPTER I.

Titles, Eligibility, Election, Installation.

Titles.

SEC. 16. The elective officers of the Supreme Council shall be: A Supreme Regent, Supreme Vice-Regent, Supreme Orator, Supreme Secretary, Supreme Treasurer, Examiner of Claims, Supreme Auditor, Supreme Chaplain, Supreme Guide, Supreme Warden, Supreme Sentry, three Supreme Trustees, and the following Standing Committees of three members each: Committee on Finance, Committee on Laws, Committee on Appeals, and Committee on Council Work, and each elective member of the Executive Committee.

Eligibility.

SEC. 17. Any person who has been or shall hereafter be a member of the Supreme Council shall be eligible to any elective office therein. But no person shall be eligible to the office of the Supreme Regent,

Supreme Secretary, or Supreme Treasurer, who has not been a member of the Supreme Council one year preceding his election.

Past Supreme Regent.

SEC. 18. All Supreme Regents who have served one full, or the balance of an unexpired term, shall be Past Supreme Regents by virtue of service, and a Past Supreme Regent shall be created in no other way. The retiring Supreme Regent shall occupy the chair of Sitting Past Supreme Regent until his successor is installed.

Nomination and Election.

SEC. 19. (1) The nomination and election of officers shall take place at such time during each annual meeting as the Supreme Council may by resolution provide.

(2) The three Trustees, or the three members of any Standing Committee, may be voted for on one ballot, if so ordered by the Supreme Council, and the three receiving a majority of the ballots be declared elected in the order of the number of votes.

No Other Business in Order.

SEC. 20. During the nomination and election of officers, no motion, except to take a recess, shall be entertained.

1. This does not exclude a motion relating to procedure during the nomination and election.—[Vote, Pro. 1899, p. 14.

More than One Candidate.

SEC. 21. When there is more than one candidate for the same office, it shall require a majority of all the votes cast to elect.

More than Two Candidates.

SEC. 22. When there are more than two candidates for the same office, the one receiving the least number of votes on each ballot shall be dropped, until an election is had.

Installation.

SEC. 23. The installation of officers shall take place on the last day of each annual meeting, unless otherwise ordered by the Supreme Council. Provided, however, that officers installed before the close of a session shall not be authorized to assume their respective duties until its termination, but their predecessors are continued in the full authority of their respective offices until said session is duly closed. The retiring Supreme Regent shall appoint a Past Supreme Regent to perform the ceremony of installation.

CHAPTER II.

Duties of Supreme Council Officers.

THE SUPREME REGENT.

Presides.

SEC. 24. The Supreme Regent shall preside at all meetings of the Supreme Council.

Superintend Order and Enforce Laws.

SEC. 25. He shall represent and protect the interests of the Supreme Council, shall have the general superintendence of the Order, and shall enforce the laws thereof.

1. The Supreme Regent is authorized unless otherwise ordered by the Supreme Council, to appoint Representatives to the National Fraternal Congress.—[Rep., Pro. 1899, pp. 396, 403-4, and Pro. 1900.

Appoint Attorney.

SEC. 25a. He shall have full authority to appoint such agents or attorneys to receive service of civil process and for other purposes as may be required by the laws of the different States, Territories and Provinces, and to revoke all such powers as may have been or may hereafter be issued by the Supreme Regent.

Grant Dispensations.

SEC. 26. (1) He shall have power to grant Dispensations, when the good of the Order may require it, in cases where specially authorized by the Laws of the Order. He shall not exercise this power for the admission of unqualified persons to membership, to authorize violation of a law, nor to legalize a wilful violation thereof; excepting that when there has been an unintentional or inadvertent violation or breach of a law, he may grant a Dispensation to heal the same.

(2) He shall not grant such healing Dispensation to a Council unless the Regent and Secretary, or other officers cognizant of the facts, shall make affidavit that such breach or violation was not intentional or wilful and was made by mistake or ignorance of the law, which affidavit may be made before a Notary Public, Justice of the Peace, or other qualified officer, in either of which cases the qualification must be certified by public authority, or before a Clerk of a Court of Record.

(3) An unauthorized or forbidden Dispensation shall be inoperative, null and void.

(4) All Dispensations of the Supreme Regent shall be issued through the office of, and be attested by, the Supreme Secretary.

Institute Passwords.

SEC. 27. He shall institute annual and semi-annual passwords, and with the assistance of the Supreme Secretary, Deputy Supreme Regents, Grand Regents and Grand Secretaries, he shall furnish the same respectively to each Grand and Subordinate Council in good standing.

Resignations, Vacancies.

SEC. 28. He shall have power to accept resignations, fill all vacancies occasioned by resignation, death or otherwise, until an election shall be held; and in case of any temporary disqualification of an officer to discharge the duties of his office, to determine the fact thereof, and appoint some member of the Supreme Council to discharge said duties until the termination of such disqualification. In case of a vacancy upon the Executive Committee occasioned by the death of the Sitting Past Supreme Regent or Junior Past Supreme Regent, or resignation of either from acting thereupon, the Supreme Regent shall have power to fill such vacancy by appointment from among those eligible for service upon said committee.

Sign Orders—Investment.

SEC. 29. He shall sign all orders on the Supreme Treasurer, for payments from the General Fund, drawn in accordance with the Laws of the Order. With the advice and consent of the Committee on Finance, he may, at such times as the condition of said Fund will warrant, authorize an order to be drawn on the Supreme Treasurer in accordance with the Laws of the Order, for payment to the Supreme Trustees of such sum or sums as may be desirable for investment.

SEC. 29a. In case of the death of a Supreme Trustee, or a member of a Standing Committee, he may sign any check, draft or other paper which such deceased Trustee or member was authorized to sign, to make the same valid until the vacancy is filled.

Contingent Fund.

SEC. 29a. He shall have a Contingent Fund not exceeding fifteen hundred dollars, which he may use for such purposes as he shall deem necessary. He shall submit to the Supreme Auditor statements of the disbursements from his Contingent Fund on the last day of each month.

Appoint Special Committees.

SEC. 30. At the close of each annual meeting he shall make such appointments of Special Committees as have been provided for; and he shall have power to fill all vacancies occurring therein during the recess. Appointment upon such Special Committee shall not authorize a member, not otherwise qualified, to attend the next session of the Supreme Council.

Special Deputies.

SEC. 31. He may appoint Deputy Supreme Regents whenever and wherever he thinks the good of the Order requires, and he may require them to give such bonds for the faithful performance of their duties, and conform to such rules as he may prescribe; such bonds to be deposited with the Supreme Secretary.

Deputies to Institute.

SEC. 32. He may appoint Deputy Supreme Regents with power to institute new Councils in places not under the jurisdiction of a Grand Council, and may require them to give such bonds for the faithful performance of their duties, and conform to such regulations, as he may prescribe; such bonds to be deposited with the Supreme Secretary.

Correspondence.

SEC. 33. His correspondence with Grand and Subordinate Councils shall, when by him deemed expedient, be conducted through the Supreme Secretary, with the seal of the Supreme Council attached.

Official Decisions Final.

SEC. 34. His decisions upon all questions submitted to him shall be promulgated by the Supreme Secretary, and shall be final during the recess of the Supreme Council. He shall report all such decisions to the Supreme Council for approval or rejection.

1. The supposed spirit of a law should not, in the rendering of a decision, control over its plain reading.—[Adopted report, Pro. 1884, pp. 128, 132.

Decisions have Effect of Laws.

SEC. 35. His decisions upon questions of law, when approved or as revised by the Supreme Council, shall have the force and effect of General Laws of the Order.

1. An erroneous decision, though disapproved, may be ratified, as applied to a special case, by the Supreme Council, for the reason that it is too late to correct it.—[Adopted report, Pro. 1881, p. 128.

Annual Report.

SEC. 36. He shall submit, at the annual meeting of the Supreme Council, a written report of all his official acts during his term of office.

Other Duties.

SEC. 37. He shall perform such other duties as the laws, rules and usages of the Order require.

THE SUPREME VICE-REGENT.

Presides in Absence of Supreme Regent.

SEC. 38. The Supreme Vice-Regent shall preside at meetings of the Supreme Council in the absence of the Supreme Regent.

Discharges Duties of Supreme Regent.

SEC. 39. In case of the death, resignation, disqualification, refusal, or neglect of the Supreme Regent to discharge the duties of his office, the Supreme Vice-Regent shall then perform all duties incumbent upon the Supreme Regent until an election can be held. And in case of the temporary disqualification of the Supreme Regent to discharge the duties of his office, the Supreme Vice-Regent shall then perform all duties incumbent upon the Supreme Regent during the period of such temporary disqualification. The fact of the existence of the disqualifications, and the refusal or neglect aforesaid, and of the termination of any temporary disqualification, shall be ascertained and determined by the Executive Committee as a tribunal thereof, or any seven of them. This tribunal may exercise the authority hereby granted, either upon their own knowledge and without citation or notice, or after such citation or notice, or upon such testimony as they shall deem sufficient. Said tribunal shall also have the power to accept the resignation of the Supreme Regent. Upon the filing with the Supreme Secretary of a certificate, signed by not less than seven of the members of said tribunal, that such a disqualification or such a refusal or neglect exists, or that a temporary disqualification has terminated, or the acceptance, so signed, of the resignation of the Supreme Regent, the Supreme Vice-Regent shall be authorized to enter at once upon the discharge of the duties incumbent upon the Supreme Regent, as aforesaid; or, as the case may be, the Supreme Regent shall resume the discharge of the duties of his office. The Supreme Secretary shall cause a copy of the certificate or acceptance aforesaid to be served upon the Supreme Regent and Supreme Vice-Regent by registered mailing thereof to, or leaving the same at, their last addresses, as they appear respectively upon the Supreme Secretary's books, or by delivering the same to them in hand.

1. The Supreme Regent was disabled and the Supreme Vice-Regent performed his duties. Use of the title Acting Supreme Regent was disapproved.—[Cir., Pro. 1911, p. 25; Res. approving, p. 82.

SEC. 39a. In case of the death of the Supreme Regent and Supreme Vice-Regent the Sitting Past Supreme Regent shall then perform all the duties incumbent upon the Supreme Regent until an election can be held.

THE SUPREME ORATOR.

Deliver Lectures.

SEC. 40. The Supreme Orator shall be prepared to deliver lectures upon the work of the Order whenever and wherever the Supreme Regent shall direct.

Visit Councils.

SEC. 41. He shall be prepared to visit Councils not under the jurisdiction of Grand Councils, whenever directed to do so by the Supreme Regent, and instruct them in the secret work and in the laws and usages of the Order.

THE SUPREME SECRETARY.

Report Proceedings.

SEC. 42. The Supreme Secretary shall keep a correct report of the Proceedings of the Supreme Council. He shall read all communications, reports, petitions, etc. He shall prepare for publication a copy

of the Proceedings of the Supreme Council within one month after the close of each meeting.

Appoint Chief Clerk.

Sec. 42a. He may appoint, subject to the approval of the Supreme Regent, a Chief Clerk, for whose acts he shall be responsible, and the signature of the Supreme Secretary, by such Chief Clerk, when duly authorized by the Supreme Secretary, shall be recognized by the several depositories of the Order.

Annual Report.

Sec. 43. He shall make to the Supreme Council, on the first day of each annual meeting, a complete statement of the condition of the Order, and of the receipts and disbursements for the preceding fiscal year.

Custody of Seal.

Sec. 44. He shall have custody of the seal of the Supreme Council, and shall cause an impression thereof to be affixed to all official documents issued under its authority.

Execute Instruments.

Sec. 44a. The Supreme Secretary is authorized to execute, when requested by the Supreme Regent or the Legal Adviser, in the name and on behalf of the Supreme Council of the Royal Arcanum, such bonds, undertakings, or securities, or other instruments, and affix the seal of the Supreme Council thereto, as may be necessary to be given in the interest, or for the benefit and protection of the Supreme Council, in any legal proceedings, or to perfect appeals from Courts, or to secure supersedeas when writs of error are sued out in all cases in which judgments have been rendered against the Supreme Council, and on appeal or the suing out of a writ of error, and to affix the Corporate Seal of the Supreme Council to, and sign in its behalf all papers or instruments executed by the Supreme Trustees whenever it is necessary or proper so to do.

Compile Amendments.

Sec. 45. He shall compile and arrange for publication, subject to the approval of the Committee on Laws, all amendments to the Constitutions and Laws adopted by the Supreme Council.

Furnish Passwords.

Sec. 46. In the months of June and December of each year, he shall furnish the semi-annual password as prepared by the Supreme Regent to the Grand Regent and Grand Secretary of each Grand Council, and to all Deputy Supreme Regents, and previous to the installation of officers of each Grand Council, he shall furnish to the Installing Deputy Supreme Regent the annual password therefor.

Duties to Widows and Orphans' Benefit Fund.

Sec. 47. He shall promptly perform all duties relating to the Widows and Orphans' Benefit Fund, as directed by the Laws of the Order.

Certify Votes and Contracts.

Sec. 48. He shall furnish to the Supreme Auditor and Chairman of the Committee on Finance, certified copies of all votes of the Supreme Council relating to the expenditure of money for salaries and other purposes, certified copies of all votes of officers and committees for expenditures which they may be authorized to incur, and certified copies of all contracts entered into by the Supreme Council, its authorized officers and committees.

Draw Orders.

SEC. 49a. (1) He shall draw and attest all orders on the Supreme Treasurer for money in payment of bills, payrolls, or demands, that have been approved by the Supreme Auditor, or Supreme Council, and he shall not attest nor draw any orders without such approval.

Interest and Cost on Death Claims.

(2) Payment of costs awarded by Courts on death claims shall be made from the General Fund, and whenever interest on death claims is so awarded, or payment thereof is necessary, in the judgment of the Examiner of Claims, the same shall be made from the Widows and Orphans' Benefit Fund.

Official Bulletin.

SEC. 49. (1) He shall issue a monthly Official Bulletin containing the official news of the Supreme Council; official circulars and decisions of the Supreme Regent; a statement of the condition of the Widows and Orphans' Benefit, Emergency and General Funds; a list of the deaths proven and paid during the preceding month; the name, number and location of each Council suspended and not reinstated during the preceding month; such facts relating to the Order as may come within his official knowledge, and be by him deemed proper for publication; and such other matter as he may deem of general interest to members of the Order; and for the purposes herein named he may, with the approval of the Committee on Supplies, appoint such assistants as he may deem necessary, the expense therefor to be a part of the cost of issuance.

(2) He shall send one copy of the Official Bulletin to each member of the Order, and the payment of the regular subscription price therefor by each member shall be included in the amount paid as Supreme Council dues. He shall also send one copy of the Bulletin to each paper published in the interests of the Order.

(3) Subscription rates for the Bulletin shall be fixed by the Committee on Supplies in the absence of direction by the Supreme Council.

Issuance of Pamphlets.

SEC. 49a. He may prepare, and under the direction of the Supreme Regent, publish from time to time, such pamphlets or documents as may be deemed best for the interest of the Order; but no such pamphlet or document shall be official unless it has the approval of the Supreme Regent.

Conduct Correspondence.

SEC. 50. He shall conduct the correspondence of the Supreme Council.

Keep Record of Councils.

SEC. 51. He shall keep a record of the name, number, date of institution, and location of all Grand and Subordinate Councils. He may, when a Council has become defunct, give its number to a new Council. He shall classify in his annual report Councils which have ceased to exist as defunct or consolidated, as the case may be.

Have Charge of Supplies, Books, etc.

SEC. 52. He shall have charge of the supplies, records, books, papers, and all private work belonging to the Supreme Council. He may charge a fee for furnishing copies of papers in his office when not required by law or resolution of the Supreme Council or order of the Supreme Regent to furnish such copies.

Issue Benefit Certificates.

Sec. 53. He shall have charge of the issuing of Benefit Certificates to members of the Order, and shall keep a record thereof.

Keep Accounts.

Sec. 54. He shall keep a true and correct account between the Supreme Council and all Grand and Subordinate Councils.

Receive Money Due.

Sec. 55. He shall receive all money due the Supreme Council, except the Widows and Orphans' Benefit Fund, the Supreme Council Dues, and interest on the General Fund deposits, and at the end of every month he shall settle with and pay to the Supreme Treasurer all money in his possession, except the balance of his Contingent Fund, belonging to the Supreme Council.

Contingent Fund.

Sec. 55a. He shall have a Contingent Fund not exceeding four thousand dollars for the payment of expenses in connection with his office, and for such other purposes as the Committee on Finance shall from time to time determine. He shall submit to the Supreme Auditor, statements of the disbursements from his Contingent Fund for the half month ending on the 15th and last day of each month.

Fund for Annual Session.

Sec. 55b. Prior to the Annual Session of the Supreme Council he shall have a Fund not exceeding two thousand dollars for the payment of routine expenses of the session, and he shall submit to the Supreme Auditor a statement of the disbursement of said Fund.

Issue Semi-Annual Circulars.

Sec. 56. He shall issue semi-annual circulars giving the receipts and expenditures of the General Fund in detail, and a statement of the Widows and Orphans' Benefit Fund, as appears by the books in his office.

Assistants.

Sec. 57. He may, from time to time, appoint and discharge such assistants in his office as may be provided for by the Supreme Council, or by its authority; and he shall be responsible for the acts of such assistants in the transaction of the business of his office.

Compile Statistics.

Sec. 57a. He shall compile the statistics and make the reports necessary to comply with the laws of the different States, Territories and Provinces, and furnish the same to public officials with competent authority to ask therefor.

Keep Emergency Fund Accounts.

Sec. 57b. He shall act as the clerk of the Executive Committee and keep the necessary books and accounts to record its transactions in reference to the Emergency Fund.

Other Duties.

Sec. 58. He shall perform such other duties as the laws, rules, and usages of the Order require.

Widows and Orphans' Benefit Fund.

SEC. 59. The Supreme Treasurer shall perform such duties relating to the Widows and Orphans' Benefit Fund as are prescribed for him in the General Laws of the Order.

Deposit Funds.—Interest on.

SEC. 60. (1) He shall daily deposit, in the name of the Supreme Council of the Royal Arcanum, all money received by him, in depositories designated by the Committee on Depositories, and approved by the Supreme Regent. Interest received on General Fund deposits, and interest on Widows and Orphans' Benefit Fund deposits, shall remain in and be credited to the respective funds and reported to the Supreme Secretary.

(2) He shall have authority to transfer the funds of the Order from one depository to another whenever in his judgment he deems the same expedient.

Appoint Chief Clerk.

SEC. 60a. He may appoint, subject to the approval of the Supreme Regent, a Chief Clerk, for whose acts he shall be responsible, and the signature of the Supreme Treasurer by such Chief Clerk, when duly authorized by the Supreme Treasurer, shall be recognized by the several depositories of the Order.

Semi-Monthly Report.

SEC. 61. He shall transmit to the Supreme Regent, Chairman of the Trustees, and Chairman of Committee on Finance, on the first and sixteenth day of each month, a statement comprising the following items: General Fund,—Balance on hand at last report, total receipts and payments, and balance on hand; Widows and Orphans' Benefit Fund,—Balance on hand at last report, total received for each assessment, total disbursements, balance on hand, and the amount on deposit in each depository.

Widows and Orphans' Benefit Fund Accounts.

SEC. 62. He shall keep a correct and separate account of all money received and paid by him for the Widows and Orphans' Benefit Fund, and only pay out the same by and upon checks signed by the Supreme Secretary, the Examiner of Claims and himself to pay death benefits, or in transfers to the Emergency Fund as provided in Section 459, or for the purpose of investment under the authority and direction of the Executive Committee, such payment to be by and upon checks signed by the Supreme Regent, Supreme Secretary and himself.

Receive Emergency Fund Interest.

SEC. 62a. He shall receive all moneys paid as interest on Emergency Fund investments and upon the sale of securities in which such Fund is invested, and deposit the same, and also all transfers to said Fund, in the depositories designated for the Emergency Fund in the name of the Supreme Council of the Royal Arcanum.

General Fund Accounts.

SEC. 63. (1) He shall keep a correct and separate account of all moneys received and paid out belonging to the General Fund, and only pay out the same on orders drawn and attested by the Supreme Secretary and signed by the Supreme Regent. Said Fund shall not be used to pay death benefits.

Contingent Fund.

(2) He shall have a Contingent Fund not exceeding three thousand dollars for the payment of expenses in connection with his office, and for such other purposes as the Committee on Finance shall from time to time determine. He shall submit to the Supreme Auditor statements of the disbursements from his Contingent Fund on the last day of each month.

Negotiate Loans.

Sec. 63a. (1) He may negotiate all loans authorized by the Supreme Council, or the Executive Committee, with such discretion as to time and rate of interest as may be given him by either, and use as collateral security for such loans the securities delivered to him for that purpose by the Supreme Trustees; and execute and deliver in the name of the Supreme Council such promissory note or notes, with or without power of sale of such collateral therein, as he shall deem expedient to effect such loans, and shall place the money thus borrowed in the General Fund. He may renew from time to time any such note or notes, and directly from the said Fund, without further warrant therefor, pay the same.

Sell Securities.

(2) He may sell and deliver any securities which the Supreme Trustees or Executive Committee direct him to sell, and execute and deliver the necessary and proper instruments for the assignment and transfer thereof.

Examination of Accounts.

Sec. 64. He shall have his accounts correctly posted and ready for examination by the Committee on Finance immediately after the close of each fiscal year, or whenever they may require.

Annual Report.

Sec. 65. He shall make to the Supreme Council, on the first day of its annual meeting, a full and correct report of the condition of the Supreme Treasury, with a statement of his receipts and disbursements for the preceding fiscal year.

THE SUPREME AUDITOR.

Audit Bills, Payrolls, etc.

Sec. 66. (1) The Supreme Auditor shall act as the official auditor of the Supreme Council. In that capacity he shall examine all bills and demands against the Supreme Council, and if provided for by appropriations duly made and found correct and proper in price and amount, and properly incurred and approved by duly authorized officers or committees, he shall approve the same, provided there are on hand funds sufficient to pay such demand or bill. In case of any error or informality in any bill or demand, or of improper price or amount therein, he shall make note of the fact, and shall return the bill or demand, with his objections, to the Supreme Secretary for return to the officer, committee or party presenting the same.

1. When there is a doubt as to the authority of the Supreme Auditor to approve a bill, it is his duty to give the Order the benefit of such doubt.—[Adopted report, Pro. 1894, p. 288.

2. If no authority exists, emanating from the Supreme Council, for the incurrence of a bill, the bill should be disapproved.—[Report and resolution, Pro. 1898, pp. 289-90.

(2) Before the close of each month, or oftener, if necessary, he shall audit and approve the monthly payroll of the Supreme Council,

if drawn for proper amounts and in conformity with the laws and resolutions of that body, and he shall audit and approve all payments for other salaries or expenditures directly voted by the Supreme Council.

(3) He shall audit and approve the payments by the Supreme Regent, Supreme Secretary and Supreme Treasurer from their respective Contingent Funds, when made for proper amounts and in conformity with such rules and regulations as the Committee on Finance shall provide.

(4) He shall audit and approve, upon requisition therefor of the Supreme Secretary, the payment of the fees imposed by the laws of the several States and Provinces, for entering and remaining therein.

(5) Bi-monthly or oftener, as may be necessary, he shall forward to the Supreme Regent a list of such accounts as may have been approved, giving the date, payee, object, amount, and date of approval of each account, and the particular appropriation under which same has been drawn. He shall also keep in a like manner, in a book to be furnished by the Supreme Secretary, a record of all such accounts, and the date of the advice to the Supreme Regent.

Special Appropriations.—Annual Report.

SEC. **67.** When appropriations for any object have been made by the Supreme Council, the Supreme Auditor shall keep an account of such appropriations, and the amounts expended thereunder, and when the amounts so expended shall have reached the amount of the appropriation, he shall at once notify the officers or committee in charge, that no further expenditure can be made under said appropriation. At each annual session he shall make a written report to the Supreme Council of his official acts and proceedings.

OTHER SUPREME OFFICERS.

SEC. **68.** The Supreme Chaplain shall offer invocations to, and ask blessings of, the Deity, and perform such other duties as are required by the laws, rules, and usages of the Order.

SEC. **69.** The Supreme Guide, Supreme Warden, Supreme Sentry, and Sitting Past Supreme Regent shall perform the duties required of them at their several stations.

CHAPTER III.

Duties of the Standing Committees.

THE COMMITTEE ON FINANCE.

Examine Books and Accounts.

SEC. **70.** The Committee on Finance shall examine the Supreme Auditor's books, records and accounts, Supreme Secretary's and Supreme Treasurer's books, accounts and vouchers, in connection with the reports from all Grand and Subordinate Councils, together with the abstract reports of the Supreme Secretary, as presented at each annual meeting; also the books, vouchers and accounts and the investments of the Supreme Trustees, the Executive Committee and Supreme Treasurer in relation to the General and Emergency Funds.

Semi-Annual Examinations.

SEC. **70a.** They shall also make semi-annual examinations of the payments in connection with the General and Widows and Orphans' Benefit Funds, and other such transactions as they may determine.

Special Examinations.

SEC. 71. They shall make special examinations of the books and accounts of the Supreme Treasurer and Supreme Secretary, and the books and records of the Supreme Auditor, and the books, accounts and investments of the Supreme Trustees and Executive Committee, when directed by the Supreme Regent.

Annual Report.

SEC. 72. They shall, at each annual meeting, submit a written report of the condition of the finances of the Supreme Council and Order, and of the correctness of said books, accounts, returns, and reports examined by them.

Estimates.

SEC. 73. They shall submit to the Supreme Council at each annual meeting estimates in detail of the receipts for the twelve months, commencing on the first day of the month in which the annual meeting is held.

Appropriation Bill.

SEC. 73a. They shall submit to the Supreme Council at the annual meeting an appropriation bill based upon the requirements of the several departments of the Order for the twelve months commencing on the first day of the month in which the said annual meeting is held.

THE COMMITTEE ON LAWS.

Examine Constitutions, Laws and By-Laws.

SEC. 74. The Committee on Laws shall examine the Constitutions and Laws of all Grand Councils and the By-Laws of all Councils not under the jurisdiction of a Grand Council, and all By-Laws relating to the Widows and Orphans' Benefit Fund, Supreme Council Dues, sick benefits and payment thereof, and all subsequent amendments or alterations made thereto, and approve the same, provided they do not repeat or conflict with the Constitutions or Laws of the Order.

1. The Committee have power to consider not only as to the form of the proposed Constitutions and Laws, and amendments thereto, but may also determine as to their expediency, and as to whether they are for the best interest of the Order.—[Appeal, Huhn vs. Committee on Laws, Pro. 1897, pp. 61, 62.

Examine Amendments.

SEC. 75. They shall examine and report upon all amendments to the Constitutions and Laws proposed in the Supreme Council.

Correct Errors.

SEC. 75a. They shall correct all typographical and clerical errors, renumber all Sections, and fill all blanks with proper numbers, in the Constitutions and Laws as published for the use of members of the Order.

Codify Decisions.

SEC. 75b. They shall codify, arrange and promulgate with the Volume of Constitutions and Laws, all official decisions of the Supreme Council, not already annotated, and correct any inaccuracies in the decisions already or hereafter published.

Annual Report.

SEC. 76. They shall present a written report to the Supreme Council, at each annual meeting, of their official acts during the preceding year.

1. When, by an amendment, an inconsistency is created between the law as amended and the Notes of Decisions, the Committee on Laws is instructed to amend the notes to correspond with the law.—(Report and vote of instruction to Committee on Laws, Pro. 1891, p. 286.

2. The Committee on Laws are authorized to prepare and promulgate, with the approval of the Supreme Regent a proper Trial Manual.—Adopted report, Pro. 1891, p. 286; also adopted report, Pro. 1894, p. 88, and Pro. 1895, p. 264.

Legal Adviser.

SEC. 76a. **The Chairman of the Committee on Laws shall be** *ex-officio* **the Legal Adviser of the officers of the Supreme Council, and General Counsel in all litigation in which the Order may be involved, excepting as otherwise in the laws provided, and shall also, under the direction of the Executive Committee, represent and protect the interests of the Order in all matters relating to National, State and Provincial Legislation.**

THE COMMITTEE ON APPEALS.

Examine Appeals.

SEC. 77. **The Committee on Appeals shall examine all appeals and grievances that may arise in the Supreme Council, together with all appeals and grievances that may be taken from a Grand or a Subordinate Council to the Supreme Council, or between individual members thereof, that may be referred to them, in accordance with the Laws of the Order.**

Their Decisions.

SEC. 78. **They shall not receive new testimony, but shall base their decisions upon the evidence furnished, and report to the Supreme Council, or to the Supreme Regent during a recess, for approval or rejection.**

Annual Report.

SEC. 79. **They shall make a report to the Supreme Council, at each annual meeting, of their official acts during the preceding year.**

THE COMMITTEE ON COUNCIL WORK.

Duties.

SEC. 79a. (1) **The Committee on Council Work shall investigate the condition of the Councils relative to their growth, and the interest of the members thereof in the fraternal features of the Order, as to their method of work, the administration of Council affairs, and the observance and enforcement of the Laws of the Order.**

(2) **They may call as often as every six months for reports from Councils to be made upon forms prescribed by the committee and approved by the Supreme Regent. It shall be the duty of Councils to comply promptly with such a call.**

(3) **Whenever they shall ascertain that a Council is not holding regular meetings, or the officers of a Council are not regularly discharging their duties, or that a Council is neglecting any duty imposed by, or is failing to observe, the Laws of the Order, they shall at once report the facts to the Supreme Regent, when a Council is in the Supreme Council Jurisdiction, or communicate with the Grand Regent when the Council is under a Grand Council Jurisdiction.**

(4) **They may adopt, with the approval of the Supreme Regent, such methods to increase the attendance at Council meetings, and the interest and efficiency of Council officers, to stimulate Council growth, and to emphasize the fraternal features, as they shall deem serviceable.**

Annual Report.

SEC. 79b. They shall make a report to the Supreme Council at each annual meeting, of their official acts during the preceding year.

THE SUPREME TRUSTEES.

Have Charge of Property.

SEC. 80. The Supreme Trustees shall exercise supervision as to the preservation and maintenance of the office building and real estate of the Supreme Council.

1. The Supreme Officers who have, or shall have, offices assigned to them in the Royal Arcanum Building, have the exclusive control of such offices respectively, and of the care thereof.—[Res., Pro. 1892, p. 252.

2. The Supreme Trustees are authorized to lease such parts of the Royal Arcanum Building as shall not be needed for the uses of the Order, to appoint a custodian of the building, and prescribe rules and regulations for the government of such custodian and the employees under him; and the bills reasonably incurred for the proper care and maintenance of the building, and for the care of the offices assigned to the several Supreme Officers, are paid out of the General Fund of the Supreme Council, when audited and found correct, as in the case of other bills for Supreme Council expenses.—[Res., Pro. 1892, pp. 253-4.

Investments.

SEC. 81. (1) They shall invest the General Fund placed in their hands by the Supreme Council, in readily convertible Government, State, or municipal securities, that have a stated or well-known market value, and which shall be registered in the name of the Supreme Council of the Royal Arcanum. They may, by unanimous vote, sell at any time any securities in which said Fund has been invested, and reinvest the proceeds thereof as above provided. They may designate the Supreme Secretary as the person to negotiate the sale of such securities, and to execute and deliver all necessary and proper instruments, to assign and transfer the same, and collect the proceeds of all securities sold or upon the maturity thereof, and deliver to him such securities therefor, and their unanimous written direction to him to make a sale of any security or securities shall be his sufficient authority for such sale and the due assignment, transfer and delivery of the securities so sold. They shall, when so directed by the Supreme Council or Executive Committee, deliver to the Supreme Treasurer any or all of the securities in which the General Fund is invested, for use by him as collateral security for loans negotiated by him under authority of the Supreme Council or the Executive Committee.

(2) They shall not loan any funds on personal security, nor upon real or personal estate mortgages.

(3) They shall deposit with the Supreme Secretary, for safe keeping, all deeds or securities belonging to the General Fund of the Supreme Council, and shall make an annual examination of such deeds and securities. They shall collect and pay to the Supreme Secretary the interest upon General Fund investments and may authorize him to receive and endorse checks therefor.

(4) They may, upon requisition therefor by the Examiner of Claims, approved by the Supreme Regent, permit the use of the securities in which the General Fund is invested, as security required in actions against the Supreme Council.

(5) No money placed in their hands for investment shall be withdrawn therefrom unless by a two-thirds vote of the entire membership of the Supreme Council at an annual meeting thereof, or by a vote of not less than seven members of the Executive Committee during a recess.

(6) They shall, for the purposes aforesaid, or any of them, execute and deliver the required instruments of assignment and trans-

fer of such securities, and any authorization for such assignment and transfer by the Supreme Treasurer.

(7) The Chairman of the Supreme Trustees shall have the power to receive and endorse checks for interest on bonds of the Government of the United States.

Report to Supreme Secretary.

SEC. 82. They shall immediately report to the Supreme Secretary all their financial transactions on behalf of the Supreme Council.

Annual Report.

SEC. 83. They shall make to the Supreme Council, at each annual meeting, a report of all their transactions during the preceding fiscal year.

THE COMMITTEE ON SUPPLIES.

Who Constitute.

SEC. 84. The Supreme Vice-Regent, Supreme Orator, and Supreme Secretary shall constitute the Standing Committee on Supplies.

Contracts for Supplies.

SEC. 85. They shall direct the purchase of all current necessary supplies, and also of such supplies as may be determined necessary or expedient under existing laws and resolutions of the Supreme Council. They may authorize the Supreme Secretary to act as their agent in the purchase of all supplies and in making contracts therefor. They may adopt standing rules and regulations for the purchase of supplies, and such rules, when approved by the Supreme Regent, shall remain in force until changed by the Committee on Supplies, with the approval of the Supreme Regent, or by vote of the Supreme Council. On all contemplated expenditures, the estimated expense of which is over one hundred dollars, competitive bids shall be obtained from, if practicable, at least three responsible parties qualified to furnish the same.

Who Determines Expediency or Necessity.

SEC. 85a. The question of the expediency or necessity of an expenditure for supplies, or for any other purpose not provided for by the laws and resolutions of the Supreme Council, shall be determined by the Standing or Special Committee, or Supreme Trustees, having in charge the matter for which the expenditure is proposed.

Fix Price of Supplies.

SEC. 86. (1) They shall fix the price of all supplies to Grand and Subordinate Councils, except in cases where the prices have been fixed by the Supreme Council.

(2) They shall not furnish supplies to Councils under a Grand Council when the Grand Council meets the demand therefor.

(3) They may furnish printed matter, issued by the Supreme Council for promoting the growth of the Order, to Grand and Subordinate Councils when requested, without cost, excepting for transportation.

Annual Report.

SEC. 87. They shall present a written report to the Supreme Council, at each annual meeting, of their official acts during the preceding year.

Meetings.

SEC. 87a. They are authorized to meet at the Supreme Secretary's office in Boston, once in each year, and oftener, if in their judgment the requirements of the due performance of their duties shall make it necessary.

THE COMMITTEE ON STATE OF THE ORDER.

Who Constitute.

SEC. **88.** The Sitting Past Supreme Regent, Supreme Vice-Regent, and Supreme Orator shall constitute the Standing Committee on the State of the Order.

Duties.

SEC. **89.** They shall report to the Supreme Regent their recommendations on all matters referred to them by him during the recess of the Supreme Council, and to the Supreme Council on all matters referred to them at each meeting.

THE COMMITTEE ON DEPOSITORIES.

Who Constitute.

SEC. **90.** The Supreme Trustees and the Committee on Finance shall constitute the Standing Committee on Depositories.

Duties.

SEC. **91.** (1) They shall designate subject to the approval of the Supreme Regent, depositories in which the Supreme Treasurer shall deposit all funds received by him and limit the balances in each.

(2) They shall designate a depository or depositories in which the Supreme Treasurer shall deposit all funds transferred, or belonging, to the Emergency Fund.

EXECUTIVE COMMITTEE.

Who Constitute.

SEC. **91a.** The Supreme Regent, the Sitting Past Supreme Regent, the Supreme Vice-Regent, the Supreme Orator, the Supreme Secretary, the Supreme Treasurer, the Supreme Auditor, the Junior Past Supreme Regent, the Chairman of the Committee on Laws, and two elective members to be selected from the officers, committees and life members of the Supreme Council at the time of the annual election thereof, shall constitute a Standing Committee to be known as the Executive Committee, of which Committee the Supreme Regent shall be Chairman.

Duties and Powers.

SEC. **91b.** (1) In case an emergency shall arise in regard to the time or place of the annual meeting, making it necessary or expedient to change the same from the time fixed or the place selected at the last previous annual meeting of the Supreme Council therefor, the Executive Committee or any seven of them shall have power to change such time or place or both, and appoint another time or place therefor.

(2) The Executive Committee, or any seven of them, may direct the withdrawal, during the interim of the Supreme Council meetings, of the funds and securities in the hands of the Supreme Trustees, or any part thereof, and authorize or order such disposition of the same, as in their judgment may be for the best interests of the Order.

(3) If in the judgment of the Executive Committee an expenditure is not provided or sufficiently provided for by the annual appropriation bill, the Executive Committee or any seven of them are empowered to authorize such expenditure, provided such expenditure shall not increase the total expenditures of the year beyond the aggregate amount of the income of that year, and the balance of uninvested General Fund remaining at the end of the previous year, and thereupon the Supreme Auditor shall approve, the Supreme Secretary shall draw and attest, and the Supreme Regent sign, an order for the payment therefor.

(4) The Executive Committee shall constitute the tribunal named in Section 39, of the Supreme Council Constitution, and perform all the duties, and possess all the powers of such tribunal, and also perform such other duties and possess such other powers as shall be required of and conferred upon them by the Constitutions and Laws of the Order. When the Supreme Regent shall appoint a member of the Supreme Council to perform the duties of any officer during a temporary disqualification, the Executive Committee shall have the power to fix compensation to be paid such appointee.

(5) The Executive Committee may, if they or any seven of them deem it expedient, authorize the Supreme Treasurer to borrow money in the name, and for the use of the Supreme Council, either specifying the time and rate of interest of such loans, or giving him discretionary power in regard thereto, and may authorize the use, by him, of the securities of the Supreme Council held by the Supreme Trustees, as collateral security for such loans, and direct the Supreme Trustees to deliver the same to the Supreme Treasurer for that purpose.

(6) Whenever in the judgment of the Supreme Regent or of any five members of the Executive Committee the necessity for a meeting of said committee exists, the Supreme Regent or any five members of the committee shall have the power to call said Executive Committee together; and whenever the Supreme Regent shall deem it expedient, he shall have authority to change the time and place of any regular meeting of said committee.

(7) They shall have charge of, and authority over, the Emergency Fund, and shall control, direct and regulate its investments, shall advise and direct the Supreme Treasurer as to the transfer of the Mortuary Fund to the Emergency Fund, as provided in Section 459; they shall invest the Emergency Fund in securities, and in the manner in which the laws of Massachusetts allow such Fund to be invested, and shall use the income of said Fund, and the principal thereof, only as provided in the Laws of the Order relating to said Fund; they may at any time sell the securities in which said Fund is invested, and reinvest the same as provided by law, or use or pay over such proceeds as directed by the Supreme Council as they shall determine necessary under the laws.

They may act in the negotiation for and in the purchase of securities for investment, and in regard to the holding and deposit of the same, and in the examination of such securities, and the withdrawal of the same for sale or exchange, by and through a sub-committee from their own members, appointed, designated and authorized for the purpose.

They may authorize the Supreme Treasurer, the Supreme Secretary or the Chairman of said sub-committee, or all, or any two of said members, individually or collectively, to negotiate the sale or exchange and make delivery thereupon of said securities, and to execute and deliver all necessary and proper instruments to assign and transfer the same, and deliver, or cause or authorize to be delivered to him, or them, such securities therefor; and such appointment, designation and authorization may be given at any meeting of said Committee, or by written instrument signed by at least seven members.

(8) They shall require any sub-committee appointed, designated or authorized under paragraphs (7) and (8) of this Section, or either of them, to give such bonds for the discharge of the duties imposed thereunder as they shall deem adequate. The affirmative vote of at least seven members of the Committee shall be necessary to adopt any measure or action proposed in the exercise of the authority given under said paragraphs.

(9 The Executive Committee under such rules and regulations as they may adopt, shall have the power to give to a member, when

totally and permanently disabled, either as the result of disease or accident, and a member 70 years of age or upwards, such portion of the face value of his Benefit Certificate as such Committee shall deem equitable and just.

(10) The Executive Committee, in the absence of specific direction of the Supreme Council and its laws, and when the Supreme Council is not in session, shall direct the policy of the Order upon questions of National, State, and Provincial legislation, upon advertising the Order, and upon all other questions which may arise in regard to the Order, or to the conduct and administration of its affairs, and their acts, directions, and orders shall be respected and obeyed by Councils, officers and members. They shall have the powers of directors of corporations under the laws of the Commonwealth of Massachusetts. They are authorized to revise and amend the forms for, and the provisions of, the Benefit Certificate, and also to incorporate therein any special provisions required by the laws of any State or Province, the application and medical examination blanks, and any and all other blanks, forms and instruments required in the transaction of the business of the Order. The authority in this paragraph conferred shall not interfere with the powers of the Supreme Regent given in the Laws of the Order, or by resolution of the Supreme Council, nor give the right to change or modify the Constitutions, laws, regulations or resolutions adopted by or acts of the Supreme Council, nor enlarge the authority conferred by paragraph (8) of this Section.

(11) The Executive Committee shall present to the Supreme Council at each annual meeting a report of all its official acts during the preceding year.

Supreme Officer Suspended.

SEC. 91c. The suspension of a Supreme Council Officer for non-payment of dues or assessment shall suspend the discharge by him of the duties of his office, and if such suspension shall continue for more than three months, shall vacate his office, and the Supreme Regent shall appoint a member of the Supreme Council to discharge such duties until the regular election and installation of officers shall be had under the laws, or reinstatement of the suspended officer, if reinstated within said three months and before such regular election and installation.

RECORDS, REPORTS AND EXPENDITURES.

Formal Action in Writing.

SEC. 92. All formal action by the Standing Committees, during the recess of the Supreme Council, shall be in writing, signed by a majority, and a certificate thereof shall be forwarded to the Supreme Secretary, to be filed in his office.

Fiscal Year.

SEC. 92a. The fiscal year of the Order shall close with December 31, and the reports of officers and the Standing Committees shall show the condition of the Order accordingly, together with such supplementary reports as the Supreme Council shall from time to time direct.

Chairman Keep Records.

SEC. 93. The Chairman of each Standing Committee shall keep a record of the official acts of the Committee during the recess of the Supreme Council.

Expenditures.

SEC. 93a. No expenditure of any kind shall be authorized by a Standing or Special Committee, or by the Supreme Trustees, unless

by a majority vote thereof. A certified copy of such vote shall be forwarded to the Supreme Secretary.

CHAPTER IV.

Giving of Bonds by and Other Duties of Supreme Officers.

Who Give Bonds.

SEC. 94. Before entering upon the discharge of his duties, each of the following named officers shall give a bond with sureties, in the penal sums hereinafter specified, for the faithful performance of his duties, viz.: Supreme Regent, five thousand dollars; Supreme Vice Regent, upon assuming the duties of Supreme Regent, five thousand dollars; Supreme Secretary, twenty thousand dollars; Supreme Treasurer, one hundred thousand dollars; Supreme Auditor, five thousand dollars; Chairman of the Supreme Trustees, ten thousand dollars; each of the other Supreme Trustees, five thousand dollars; Examiner of Claims, five thousand dollars; Chairman of the Committee on Laws, as Legal Adviser and General Counsel, five thousand dollars.

Approval of Sundry Bonds.

SEC. 95. The bonds of the Supreme Regent, Supreme Secretary, Supreme Treasurer, Supreme Auditor, Chairman of the Committee on Laws, as Legal Adviser and General Counsel, and Examiner of Claims, shall be approved by and deposited with the Supreme Trustees.

Bonds of Supreme Trustees.

SEC. 96. The bonds of the Supreme Trustees shall be approved by and deposited with the Committee on Finance.

Surety on Bonds.

SEC. 96a. (1) The surety upon the bonds of the Supreme Officers shall be a solvent, reliable and reputable surety, fidelity or guaranty company, duly incorporated and legally authorized to do business in any State where there is a Grand Council, and the expense thereof shall be paid by the Supreme Council.

(2) When a Supreme Officer files a new bond, the surety on the previous bond may be released by the approving authority from any liability arising on account of default which may occur after the approval and acceptance of such new bond.

Bonds may be Increased.

SEC. 97. The Supreme Regent may require the penal sum of the bond of any Supreme Officer to be increased at any time during the recess of the Supreme Council, or he may require such officer to file a new bond when in his opinion the sureties are not sufficient.

Delivery of Property.

SEC. 98. All Supreme Council officers shall, at the end of the term for which they are elected, or upon any earlier termination thereof, account for and deliver to their successors in office, or to such officers or committee appointed for that purpose by the Supreme Council, or the Supreme Regent, during the recess thereof, all moneys, books, papers, securities, and other property of the Supreme Council that may have come into their hands or possession, except such as may have been lawfully disposed of.

ARTICLE III.

CHARTERS.

CHAPTER I.

Dispensations for Charters.

Supreme Regent may Grant.

SEC. **99.** The Supreme Regent shall have power to grant Dispensations for Charters for Grand and Subordinate Councils during the recess of the Supreme Council, and to take such measures as may be necessary to institute Councils where no Grand Council has jurisdiction. Such Dispensation shall protect the members of a Council until the Charter is issued.

In Grand Jurisdictions.

SEC. **100.** The Dispensations for Charters for Councils in Grand Jurisdictions shall be issued by the Supreme Council and countersigned and sealed by the Grand Regent and Grand Secretary.

CHAPTER II.

The Issuing of Charters.

Reported to Supreme Council.

SEC. **101.** (1) All Grand and Subordinate Councils working under Dispensations granted during a recess of the Supreme Council shall be reported at each annual meeting by the Supreme Secretary, and if no valid objection appears, Charters shall be issued to them.

(2) The Charter may be withheld if the Council does not comply with the regulations of the Supreme Council or Supreme Regent relating to forwarding the same.

(3) In case the Supreme Council refuses to grant a Charter, the Council shall continue to work under Dispensation unless otherwise ordered; and the Supreme Council or the Supreme Regent may revoke the Dispensation. Upon the revocation of the Dispensation the Council shall be declared dissolved.

Charters under Grand Councils.

SEC. **102.** Charters for Councils within the jurisdiction of a Grand Council shall be countersigned and sealed by the Grand Regent and Grand Secretary.

Who Signs Charter.

SEC. **103.** The retiring Supreme Regent and Supreme Secretary shall sign all Charters for Grand and Subordinate Councils instituted during their term of office.

ARTICLE IV.

REVENUE, MILEAGE, PER DIEM, COMPENSATION.

CHAPTER I.

Revenue.

Shall be as Prescribed.

SEC. **104.** The revenue of the Supreme Council shall be as provided in this Chapter.

Supplies.

SEC. **105.** Book of Duties, each $3 00

1. The price of the Book of Duties was not fixed with a view of securing a revenue from its sale, but as a most effective means to secure its preservation by the Council.—[Accepted report, Pro. 1890, p. 314.

Other Supplies.

SEC. 107. The sale of such further supplies as may be required for the Order, and by regulation of the Committee on Supplies, under authority of the Supreme Council.

(Secs. 108 and 109 repealed.)

Other Sources.

SEC. 110. And such other sources as are in accordance with the laws, objects and business of the Order.

CHAPTER II.

Mileage, Per Diem, Compensation.

Mileage.

SEC. 111. The Supreme Council shall pay mileage to its members and Representatives from Grand Councils, who may be in attendance at its session, at the rate of five cents per mile each way, from the place of their residence.

1. A member of the Supreme Council may by vote thereof be allowed mileage from the place where he was working for the Supreme Council to the place of the annual session.—[Vote, Pro. 1881, p. 115.

Per Diem.

SEC. 112. Per diem shall be paid to each member as the Supreme Council, while in session, may direct.

1. A Representative granted leave of absence may have his per diem and mileage allowed by vote of the Supreme Council.—[Vote, Pro. 1880, p. 119.

2. Members who leave without permission, before the close of the session, forfeit their right to per diem for the entire session.—[Decision, Pro. 1881, p. 402.

Compensation.

SEC. 113. (1) The several officers and Standing Committees shall be allowed such salaries and compensation for their services as the Supreme Council may determine.

(2) Standing and Special Committees, members and officers (not receiving fixed salaries) of the Supreme Council, when engaged in services authorized by the Supreme Council or the Supreme Regent, may be allowed per diem of ten dollars for days actually served, in going to the place of service and returning to their homes, and traveling expenses actually incurred, excepting that for services at installation of Grand Council Officers, actual expenses only shall be allowed.

ARTICLE V.

AMENDMENTS TO THE CONSTITUTIONS AND LAWS.

CHAPTER I.

Supreme Council Constitution, Widows and Orphans' Benefit Fund, Benefit Certificates, and Medical Examinations.

SEC. 114. The Constitution of the Supreme Council and the Laws Governing Grand Councils, the Widows and Orphans' Benefit Fund, Benefit Certificates and Medical Examinations may be altered or amended at any regular meeting of the Supreme Council, or at a special meeting called for the purpose, by a two-thirds vote of the entire membership of the Supreme Council.

1. An amendment enlarging membership in proscribed territory does not relate to Widows and Orphans' Benefit Fund.—[Decision in session, Pro. 1895, p. 287.

Subordinate Council Constitution and Laws.

SEC. 115. The Constitution of Subordinate Councils and the General Laws of the Order may be altered or amended at any regular meeting of the Supreme Council, or at a special meeting, called for the purpose, by a two-thirds vote of the members present.

How Presented.

SEC. 116. All proposed amendments must be presented in writing, signed by one or more members, or recommended in the report of a committee, and be referred to and reported upon by the Committee on Laws before being adopted.

How Adopted.

SEC. 117. Upon the adoption of any amendment to the Constitutions and Laws, if there appears to be more than one vote in the negative, a rising vote shall be taken.

1. Amendments may by special vote, be adopted subject to such correction of clerical and other errors as may be found necessary by a committee appointed for that purpose.—[Vote, Pro. 1879, p. 112.

2. The adoption of a resolution in favor of a measure, not amending a law, is only an expression of the opinion of the Supreme Council, and does not change a law in conflict with the resolution.—[Ruling of S. R. in session, Pro. 1882, p. 168.

Amendments take Effect.

SEC. 118. All amendments to the Constitutions and Laws shall, unless otherwise ordered, take effect on the first day of August following the annual meeting at which they are adopted or made.

Resolutions Expire.

SEC. 119. Every resolution adopted by the Supreme Council shall, unless otherwise therein provided, expire by limitation at the close of the next Annual Session after that at which it is adopted.

PART II.

LAWS GOVERNING GRAND COUNCILS.

ARTICLE I.

INSTITUTION, POWERS, REVENUE, MEETINGS, AND OFFICERS OF GRAND COUNCILS.

CHAPTER I.

Institution, Powers, and Revenue.

Institution.

SEC. **125.** (1) A Grand Council may be instituted in any State, Territory, in any Province of the Dominion of Canada, or in the Provinces of Nova Scotia, New Brunswick, and Prince Edward Island united, whenever there exist therein ten or more Councils in good standing, with a total membership of not less than one thousand, upon proper application being made to the Supreme Council, or to the Supreme Regent during a recess of the Supreme Council; provided that when there are two thousand, six hundred members in good standing in the Councils in the State of California, a Grand Council may be instituted in that portion of said State lying north of the Tehachipi Mountain range, and another Grand Council may be instituted in that portion of said State lying south of said Tehachipi Mountain range.

(2) All Regents and Past Regents of Councils in a State shall be entitled to take part in the institution of the Grand Council.

(3) The membership of a Grand Council shall consist only of its officers, members of Standing Committees and Representatives from Subordinate Councils, Past Grand Regents, Representatives to Supreme Council and their Alternates during their term of service; provided, that if a Grand Council so provide in its Constitution, the State Medical Examiner and Supervising Deputy Grand Regents, and the Regents-elect, Regents and Past Regents in its Jurisdiction at the time of its institution, or any of them, may be members. Provided, that no member of the Grand Council who is or becomes such by virtue of appointment by the Grand Regent as a Supervising Deputy Grand Regent shall have a voice or vote in the election of Representatives and Alternate Representatives to the Supreme Council.

(4) A Grand Council shall not be instituted during the month in which the Constitution of the Supreme Council provides that its Annual Session shall be held, nor until the records in the office of the Supreme Secretary show that there are, in the State or Province in which the institution is proposed, one thousand members in good standing.

(5) At every institution of a Grand Council the Supreme Regent or Supreme Secretary shall, if practicable, be present.

1. Consolidation of Councils in several States into one Grand Council is not promotive of the fraternal feature so much desired, nor would there exist the same incentive to each State to form a Grand Council of its own.—[Accepted report, Pro. 1887, p. 242.

2. Division of Grand Jurisdictions into districts for election of Supreme Representatives is undesirable.—[Adopted report, Pro. 1903, p. 66.

3. The restrictions imposed in Paragraph 2 upon the membership of a Grand Council apply to membership in Grand Councils existing before such restrictions were adopted in 1904.—[Decision, Pro. 1906, pp. 40, 52; Appeal case, Pro. 1906, pp. 80, 86.

The Application.

SEC. **126.** The application for the institution of a Grand Council must be signed by not less than ten Past Regents and Regents in good standing, who represent ten or more different Councils within the territory in which the Grand Council is to be instituted.

Powers.

SEC. **127.** Grand Councils shall possess only such powers as are expressly delegated to them by the Supreme Council, or that may be implied because necessary to enable them to perform their functions. Their powers shall be:

(1) To adopt a Constitution, laws, rules and regulations for the government of themselves and the officers and agents selected by them or by their authority.

(2) To establish Councils within their respective jurisdictions.

(3) To enact laws for the government of Councils, within their respective jurisdictions, in conformity with the Constitution of the Supreme Council and the Constitution for Subordinate Councils provided by the Supreme Council, and the laws, regulations, and usages adopted by the Supreme Council.

(4) To have general supervision of the Order in their respective jurisdictions, and authority over the installation of Council officers, approval of By-Laws of Councils (not relating to the W. & O. B. Fund, Supreme Council Dues or sick benefits), visitations, and public meetings and entertainments; provided that these powers shall be exercised by the officers of the Grand Council during the recess thereof in conformity to the laws and regulations of the Supreme Council and the Grand Council.

(5) To order trial, and in case of conviction to impose penalties, of less degree than suspension, for violation of any or all laws and usages of the Order, excepting those relating to the W. & O. B. Fund.

1. Upon a question of parliamentary rule for the government of a Grand Council, an appeal cannot be taken from the decision of the Grand Council to the Supreme Council.—[Res. in Starkweather's (Mich.) Appeal, Pro. 1883, p. 168.

2. All circulars and papers issued or used in Ontario, relating to the contract with the individual member, must have "Assessment System" printed or stamped upon them.—[Cir., Pro. 1892, p. 14, res. ap. 202.

No Control over Widows and Orphans' Benefit Fund.

SEC. **128.** Grand Councils shall have no control over the Widows and Orphans' Benefit Fund.

Sources of Revenue.

SEC. **129.** The revenue of Grand Councils shall be:—

(1) For Subordinate Council Dispensation for Charter and set of supplies, such amount as shall be fixed by each Grand Council.

(2) A per capita tax, not less than one dollar per annum, for every member of the Order within their respective jurisdictions, to be fixed by each Grand Council. Provided, that when the membership in any Grand Council Jurisdiction shall reach sixteen thousand, the per capita tax shall not be less than seventy cents per annum for each member, and when such membership shall reach forty thousand, the per capita tax shall not be less than forty cents per annum for each member. Such per capita tax shall be payable semi-annually, and chargeable on the thirtieth day of June and on the thirty-first day of December, and payable on or before the last day of July and the last day of January next ensuing.

(3). From the sales of supplies for Councils within their respective jurisdictions.

1. A Council admitting a member by card at the last meeting in the term, and reporting him as a member in good standing at the close of a term, must pay the tax on that member.—[Decision, Pro. 1885, pp. 262, 267.

2. If a Council has not received notice of the deposit of a card granted to a member, and reports him as one of its members at the close of a term, it must pay the tax on that member.—[Decision, Pro. 1885, pp. 262, 267.

2. Council dues are governed by the same rule that a member's dues are. A new Council pays tax for the quarter in which it was instituted. If a new Council holds only one meeting and does not elect officers for the ensuing term, it does not have to pay tax for the term in which it was instituted. But if new officers are elected, it must pay tax for the quarter in which it was instituted.—[Decision, Pro. 1886, pp. 249, 251.

Shall Not Rebate Tax.

SEC. **129a.** Grand Councils shall not rebate, donate, or distribute to Councils any portion of the Per Capita Tax, unless specially authorized by the Supreme Council.

Grand Council Laws Take Effect.

SEC. **130.** The Constitutions and Laws, and all amendments thereto, adopted by Grand Councils, must be submitted to the Committee on Laws of the Supreme Council, and shall not take effect until approved by said Committee.

CHAPTER II.

Meetings and Officers.

Meetings and Elections.

SEC. **131.** Grand Councils may provide for holding annual or biennial meetings and elections of officers.

Officers.

SEC. **132.** (1) The elective officers of a Grand Council shall be as follows: A Grand Regent, Grand Vice-Regent, Grand Orator, Grand Secretary, Grand Treasurer, Grand Chaplain, Grand Guide, Grand Warden, Grand Sentry and three Grand Trustees.

(2) A Grand Council may provide in its laws for a Grand Auditor and Standing Committees, either by election or appointment.

(3) A Grand Council shall not create an elective office not authorized by the Supreme Council; nor confer the rank of Past Grand Regent or Past Regent upon any one who has not earned such rank by virtue of service, as prescribed by law.

(4) The resignation of a Representative shall vacate any office held by him in the Grand Council, unless its Constitution otherwise provides.

(5) A Grand Council shall at institution elect a Past Grand Regent, who shall occupy the chair and have all the honors of Sitting Past Grand Regent until his successor is installed. A retiring Grand Regent shall, by virtue of service, become a Past Grand Regent, but to occupy the chair and perform the duties of Sitting Past Grand Regent he must be installed.

Suspension of Grand Officer.

(6) The suspension of a Grand Council Officer for non-payment of dues or assessment shall suspend the discharge by him of the duties of his office, and if such suspension shall continue for more than three months, shall vacate his office, and the Grand Regent shall appoint a member of the Grand Council to discharge such duties until the regular election and installation of officers shall be had under the laws, or until the reinstatement of the suspended officer, if reinstated within said three months and before such regular election and installation.

Elections.

SEC. 133. In electing officers and transacting business, the officers and other members of Grand Councils shall each be entitled to only one vote.

Past Grand Regent.

SEC. 133a. A Past Grand Regent of one jurisdiction shall be entitled, by virtue of his rank, to admission to the Grand Council of another jurisdiction, but without voice or vote therein.

Rank of P. G. R.

SEC. 133b. If a Past Grand Regent becomes suspended from the Order, his rank will be restored if reinstated within one year.

Installations.

SEC. 134. All officers of Grand Councils shall be installed by the Supreme Regent, or a member of the Supreme Council commissioned as his Deputy, who shall communicate the annual password to the Grand Regent, receive the annual report to the Supreme Council, immediately transmit the same with his report of the installation to the Supreme Secretary, and make report forthwith to the Supreme Regent of the condition of the Order in that jurisdiction.

Grand Regent.

SEC. 134a. (1) A Grand Regent shall not have authority to appoint an officer of a Subordinate Council unless specially authorized by law of the Supreme Council.

(2) He may grant Dispensations in cases arising under laws enacted by his Grand Council, and in cases arising under laws enacted by the Supreme Council, when such laws of the Supreme or Grand Council specially confer such authority. A copy of every Dispensation so granted shall be at once forwarded to the Supreme Secretary.

(3) He shall not make any official decision or promulgation upon any question or appeal relating to the W. & O. B. Fund, application for membership, medical examination, Benefit Certificates, Supreme Council dues, or sick benefits.

(4) He shall, personally or by some officer or deputy specially authorized for that purpose, visit all the Councils in his jurisdiction at least once in each year, and report such visitations to the Grand Council. He shall cause to be held, whenever practicable, district conventions, composed of representatives from Councils arranged in convenient groups for such purpose.

(5) A Grand Regent may, in the institution of new Councils in his jurisdiction, exercise all the powers of instituting officer vested in the Supreme Regent in jurisdictions not under a Grand Council, unless limited by a law of the Supreme or his Grand Council.

(6) The Supreme Regent shall have the power, when no provision therefor is made by the Grand Council in its Constitution and Laws, to accept the resignation of a Grand Regent.

ARTICLE II.

REPRESENTATION IN THE SUPREME AND GRAND COUNCILS.

CHAPTER I.

Representation in the Supreme Council.

Entitled to One Representative.

SEC. 135. Each Grand Council, at its organization, shall elect one Representative to the Supreme Council, to serve for two years from the date of his election, and his successor shall be elected at the meeting at which his term of service expires.

Additional Representatives.

SEC. **136.** Additional Representatives to the Supreme Council may be elected by Grand Councils when they are entitled thereto, as prescribed by the Supreme Council Constitution. The terms of additional Representatives shall be for two years from the date of their election. In case any Grand Council shall, on the first day of the month in which the Annual Session of the Supreme Council is held, include within its jurisdiction sufficient membership to entitle it to one or more additional Representatives than it had elected at the previous annual or biennial session thereof, the Grand Regent shall appoint a duly qualified member or members as such additional Representative or Representatives to hold office until the next meeting of such Grand Council.

Alternate.

SEC. **137.** At the regular election of a Representative, each Grand Council shall also elect an Alternate for such Representative for two years, who shall be recognized as the Representative in the event of the inability of the Representative to attend the meeting of the Supreme Council, or of the death or resignation of the Representative, unless the vacancy by death or resignation shall have been filled by such Grand Council.

Vacancies.

SEC. **138.** Any vacancy in the office of Representative or Alternate may be filled by the Grand Council. Any vacancy in the office of Alternate may be filled by the Grand Regent during the recess of the Grand Council. If both the Representative and his Alternate are unable to attend any session of the Supreme Council, the Grand Regent may appoint a member of the Grand Council to fill the place of such Alternate for said session. If the term of service of a Representative and Alternate shall expire before an election of their successors can be held, and a session of the Supreme Council shall intervene, the Grand Regent may appoint a member of the Grand Council as Representative for such session.

Terms of Supreme Representatives.

SEC. **138a.** Grand Councils entitled to two or more Representatives to the Supreme Council may divide such Representatives into two classes and arrange that the terms of the members of each class shall expire in alternate years, and to equalize the number of Representatives in each class may, whenever necessary, elect one or more of such Representatives and his or their Alternates for the term of one year. The terms of the members of each class shall thereafter be for two years.

CHAPTER II.

Council Representation in Grand Councils.

Representatives from Councils.

SEC. **139.** Each Council shall be entitled to one Representative in the Grand Council having jurisdiction over it, and such additional Representatives as the Constitution of Subordinate Councils may authorize.

ARTICLE III.

GRAND COUNCIL REPORTS TO THE SUPREME COUNCIL.

CHAPTER I.

Annual Reports.

SEC. **141.** Grand Councils shall make reports to the Supreme Council of their membership, finances, receipts, and disbursements

for the year ending Dec. 31, and file the same with the Supreme Secretary on or before the 1st of March ensuing.

Reports of New Councils.

SEC. **142.** Grand Councils shall report immediately to the Supreme Council all new Councils instituted within their respective jurisdictions.

Delinquent Councils.

SEC. **143.** Grand Councils shall notify the Supreme Council of all suspensions and dissolutions of Councils within their respective jurisdictions, giving the date and cause thereof, and they shall also report the date and manner of all reinstatements of Councils.

Bi-Monthly Report of Grand Regent.

SEC. **144.** Each Grand Regent shall transmit to the Supreme Regent bi-monthly reports showing the growth and condition of the Order in his Grand Council Jurisdiction.

Publications.

SEC. **145.** Grand Councils shall forward to the Supreme Regent one copy, to every other Grand Council one copy, and to the Supreme Secretary two copies of all circulars, pamphlets, or publications of any kind issued by them.

ARTICLE IV.

SUSPENDED AND DISSOLVED GRAND COUNCILS.

CHAPTER I.

Effect of Order.

SEC. **146.** When a Grand Council is declared suspended, if it shall fail to comply with the law within sixty days thereafter, or when a Grand Council is declared dissolved and its Charter forfeited, the Councils under its jurisdiction shall immediately come under the immediate jurisdiction of the Supreme Council.

Less than One Thousand Members.

SEC. **146a.** When it appears by the records in the Supreme Secretary's office that the membership in a Grand Council Jurisdiction is below one thousand, it shall be the duty of the Supreme Secretary to certify the fact to the Supreme Regent, who shall forthwith notify the Grand Regent of such Grand Council Jurisdiction. If the membership in such Grand Council Jurisdiction is not restored to the number of at least one thousand within four months after the receipt of such notice by the Grand Regent of such Grand Council, the Supreme Regent may declare such Grand Council suspended or dissolved, or suspended for a definite period, and if the cause of suspension is not removed within such period, then dissolved.

Proceedings on Dissolution.

SEC. **147.** Upon the dissolution of a Grand Council, the Supreme Regent shall, in person or through his Deputy, demand the surrender of the Charter, property, and effects of such dissolved Grand Council.

Surrender of Property.

SEC. **148.** When a Grand Council is dissolved, it shall be the duty of the last Grand Regent, or if there is none, of its senior officer, to deliver up the Charter, books, funds, emblems, uniforms, and other property and effects to the Supreme Regent or his Deputy. Any officer or member having the custody of any of the property of a dissolved Grand Council, refusing to surrender the same, may be forever excluded from membership in the Order.

Reinstatement by Supreme Regent.

SEC. **149.** A Grand Council, suspended by order of the Supreme Regent, may be reinstated by him upon the removal of the cause of suspension; or the Supreme Regent may, for satisfactory reasons, rescind his order of suspension.

Restoration on Reinstatement.

SEC. **150.** All funds and effects received by the Supreme Council from a dissolved Grand Council shall be restored in the event of its being reinstated, which reinstatement may be done by a majority vote of the Supreme Council, at a regular or special meeting, or by the Supreme Regent during the recess of the Supreme Council.

PART III.

CONSTITUTION OF SUBORDINATE COUNCILS.

ARTICLE I.

COMPOSITION, POWERS, REVENUE, MEETINGS, SEAL, STAMP.

CHAPTER I.

Composition, Powers and Revenue.

Composition.

SEC. **175.** A Council of the Royal Arcanum shall consist of not less than sixteen members having the requisite qualifications for its elective officers.

Powers and Restrictions.

SEC. **176.** (1) A Council is a body of limited jurisdiction, having no powers except those conferred upon it by the Supreme Council, and such as are implied as necessary to the exercise of powers expressly granted.

(2) While acting in conformity to the Laws, Rules, and Regulations of the Supreme Council, and of the Grand Council having jurisdiction over it, the Council shall possess all the powers and privileges conferred by virtue of a Dispensation or Charter duly granted.

(3) The Council and its officers, in performing the duties and administering the powers provided by the Laws of the Order, shall be the agent or agents of the members thereof, and not of the Supreme Council, and no act or failure to act by the Council or by any officer or member thereof, shall create, or be construed so as to create, any liability on the part of the Supreme Council.

Neither the Council or its officers or any one or more thereof shall waive the performance of, or compliance with, any law or requirement of the Supreme Council, and such waiver shall be inoperative to bind, or create any liability upon, the Supreme Council.

1. By-Laws providing for compulsory attendance of members at Council meetings are not in harmony with the fraternal principles of the Order, nor with the theory of our system. Councils must introduce such interesting proceedings as will attract members to the meetings, and challenge their attention to the very important interests there considered. The importance of personal attention on the part of every individual member to the business in his Council should be persistently kept in view by the officers of the Councils.—[Adopted report, Pro. 1889, p. 286.

2. A Council cannot, by resolution or By-Law, approved by the Committee on Laws of the Supreme Council or a Grand Council, nullify the clear and emphatic provisions of the law adopted by the Supreme Council.—[Decision in Bruey case in appeal of Weber v. Commonwealth Council. No. 542. Pro. 1892, pp. 206-7-8.

3. A motion that a Council release a member "from any liability for the amount lost by failure" of a bank, and look to another member and his sureties for the amount, was ruled out of order on the ground that the first brother was indebted to the Council, and the Council could not appropriate money to pay his debts. It appeared that the claim of indebtedness was doubtful of enforcement, and that no trial thereon had been had. Held, that the motion should have been entertained.—[Appeal, Gray v. G. R. Tennessee. Pro. 1896, pp. 33, 279.

4. A proposition to modify the undisputed and uncomplicated liability of an entirely responsible officer to a Council should not be entertained:

yet if the claim is of doubtful character against an insolvent officer, and there may be legal obstruction to its collection, the Council has the right to compromise and make settlement.—[Appeal, Gray v. G. R. Tennessee, Pro. 1896, pp. 34, 273.

5. A Council may investigate the laws of the State where it is located, as to suspension of members for non-payment of assessments.—[Appeal, Conroy vs. Central Council, No. 29, Pro. 1897, pp. 66, 273.

Revenue.

SEC. **176a.** (1) The revenue of a Council shall be derived from the fees for the Degree, Withdrawal Cards and deposit of cards, and use of loan fund, quarterly dues, fines imposed upon members as allowed by the Laws of the Order, proceeds of entertainments given by the Council, interest on loans or investments, donations, and such other fees and sources of revenue as may be authorized by the Supreme Council.

(2) Such revenue shall be known as the General Fund and may be expended in defraying the expenses of the Council and promoting the objects of the Order.

(3) A Council may create special funds for the relief or nursing of sick or disabled members or for assisting members or their families.

(4) All funds of the Council shall be used, or held in trust, for such purposes only as shall promote the interest and objects of the Order; and shall not be used to pay, or guarantee the payment of the personal debts of members; nor shall such funds be distributed among its members irrespective of their necessities, or according to duration of membership.

(5) A special assessment shall not be levied to defray debts or current expenses without the approval of the Supreme Regent.

(6) The moneys collected from members for the W. & O. B. Fund, Supreme Council Dues and changes of Benefit Certificates, shall be kept separate from the General Fund and shall not form any part of the funds of the Council; and shall be disposed of as provided in the Laws of the Order.

1. A Council may use the surplus of its General Fund, to subscribe for stock in a corporation the capital of which is to be used for the construction of a building for the use of the Council.—[Appeal, Richmond Hill Council, No. 1625, vs. Grand Regent of New York, Pro. 1904, pp. 45, 425.

2. The action of a Subordinate Council in voting to appropriate any portion of its General Fund to be used for the purpose, directly or indirectly, of opposing legislation enacted by the Supreme Council, is illegal and prohibited.—[Decision, Pro. 1905, pp. 61, 550.

CHAPTER II.

Meetings.

Stated Meetings.

SEC. **177.** (1) The stated meetings of the Council shall be held weekly, semi-monthly, or tri-monthly, on the day and hour and at the place fixed in its By-Laws, or fixed by resolution of the Council.

(2) When such meeting shall occur on a holiday, then it may be held within a period of seven days next preceding or next succeeding the holiday, as the Council shall have by By-Law, resolution, or special vote previously determined.

(3) The Supreme or Grand Regent may, for cause satisfactory to him, grant a Dispensation, upon the request of the Council, or the Regent and Secretary thereof, to change the time and place of a stated meeting, and at the request of the Council may authorize the holding of an additional stated meeting or meetings in a month, although its By-Laws may provide for only two meetings. Every such Dispensation shall specify the date or dates of such changed or additional stated meeting or meetings.

(4) A Council must hold its meetings in the place (city, town, village or other municipal division) for which it was granted a Dispensation or Charter, unless otherwise permitted by Dispensation of the Supreme or Grand Regent, or by vote of the Grand Council having jurisdiction over it, or of the Supreme Council if not under a Grand Council.

(5) The meeting place may be changed by By-Law, or by resolution if there is no By-Law, to another meeting place in the same place, in which the Council is legally located.

(6) If a change is made either in the time or place of holding a stated meeting, or the stated meetings, the Secretary shall forthwith mail a notice thereof to the Supreme and Grand Secretaries, and the members of the Council.

(7) Every stated meeting must be one continuous session, and closed in prescribed form. A stated meeting cannot be adjourned nor can a recess be taken to a future specified date.

(8) No meeting of the Council shall be held on Sunday.

Special Meetings.

SEC. **178.** (1) Special meetings may be called by the Regent, and shall be called by the Regent upon the written request of not less than two per cent. of the membership of the Council; provided, however, that no call shall be issued on the request of less than seven members.

(2) No business, other than that named in the call, shall be transacted at a special meeting.

(3) Business required by the Laws of the Order to be done at a stated meeting shall not be done at a special meeting; nor shall a Council at a stated meeting legalize anything illegally done at a special meeting. Provided, however, that whenever a Council has, by reason of small membership, become weak and inactive, and its existence is thereby endangered, the Supreme Regent may authorize the receipt of applications and elections to membership at a special meeting which may be called and notice thereof given by himself or some person therefor by him designated.

Notice of Special Meetings.

SEC. **179.** All members of the Council shall be notified by the Secretary personally, or by notice duly mailed to each member, at least one day preceding each meeting, unless otherwise prescribed by the Council in its By-Laws, of the time, place, and object of a special meeting, and of a stated meeting held under a Dispensation of the Supreme or Grand Regent. Provided, that notice of a special meeting solely to act upon the proofs of the death of a member may be sent to only the officers of the Council, and such meeting may be held at a place other than that fixed in its By-Laws or resolutions, provided that such place is named in the notice therefor.

1. The question as to whether a special meeting has been regularly called is one of fact, and a motion that a special meeting be declared illegal, should not be entertained.—[Appeal, Lewis ss. Bronx Council, No. 1416, Pro. 1912, pp. 41, 194.

Opening and Quorum.

SEC. **180.** The Council shall be opened at the time prescribed in its By-Laws, if six of its members who are in good standing are present. Not less than that number shall constitute a quorum for the transaction of the general business of the Council.

If Regent Absent, who Presides.

SEC. **181.** In the absence of the Regent, Vice-Regent, and Orator, the senior Past Regent present shall take the chair. If no Past Regent is present, any member who is in good standing may be chosen to preside by a majority of the members present.

1. If another member than the officer designated, by request and unanimous acquiescence and without objection, occupies Regent's station, the business transacted under such occupancy is legal.—[Appeal, Bidson vs. Rainier Council, No. 1200, Pro. 1897, pp. 66, 217.

CHAPTER III.

Official Seal and Stamp.

Seal.

SEC. **182.** The Council shall, within thirty days from the date of its institution, procure and adopt an official seal, which shall not be of a design closely imitating the Supreme or any Grand seal. An impression of the seal shall be deposited with the Supreme and Grand Secretaries. After the Council has been instituted thirty days, no document or paper issued by its authority shall be official unless an impression of its seal is affixed thereto.

Collector's Stamp.

SEC. **183.** The Council may adopt an official stamp for the Collector which shall be affixed, in place of the seal, to all official papers issued by him.

ARTICLE II.

OFFICERS OF COUNCILS AND ELECTIONS.

CHAPTER I.

Officers.

Titles and Term.

SEC. **184.** (1) The officers of a Council shall be a Regent, Vice-Regent, Orator, Secretary, Collector, Treasurer, Chaplain, Guide, Warden, Sentry, and three Trustees, and an Organist (if the Council so elect), who shall be elected annually on the first stated meeting in December; or, if the Council so elect, one Trustee may be elected for one year, one for two years, and one for three years, and each year thereafter one Trustee shall be elected for three years.

(2) If the election cannot be held at the first stated meeting in December, the election will be in order at the next stated meeting as unfinished business.

(3) A member cannot hold at the same time, two of the offices named in this Section, except that any of the officers may be the Organist.

1. An election of officers at a meeting held in accordance with an approved By-Law, which is in conflict with the law governing such election, is not void; provided the Council is acting in good faith.—[Appeal case, Thurlow v. Long Island Council, No. 173, Pro. 1885, pp. 50, 210.

2. A Trustee whose term of office has not expired is eligible to election to another office in the Council. If a member, while holding one office, the term of which has not expired, is elected to and is installed in another office, he must be deemed to have thereby created a vacancy in his previous office.—[Appeal, Uhlemeyer vs. Grand Regent, Mo., Pro. 1912, pp. 45, 496.

Past Regent.

SEC. **185.** (1) At the institution of the Council there shall be elected one Past Regent, who shall occupy the station of Sitting Past Regent for the remainder of the term, or until his successor is installed, and shall have all the honors of Past Regent.

(2) If a Past Regent becomes suspended his rank will be restored if reinstated within one year.

(3) A Past Regent who joins a Council by card, whether granted him by his Council or received by him as a member-at-large, loses his rank as Past Regent of his old Council, but retains the rank of

Past Regent in his new Council, and is entitled to all the privileges and honors thereof.

(4) The rank of Past Regent shall be conferred only upon those who have earned the honor as prescribed by the Laws of the Order.

(5) The honor of Past Regent is continuous from one Council or jurisdiction to another, except it be interrupted by some act or omission which works its forfeiture.

Resignation of Past Regent.

SEC. **186.** If the Past Regent elected at the institution of the Council shall, during the term in which said Council was instituted, vacate his chair and resign all honors connected with the office, either by letter or personally in open Council, the Regent shall forthwith declare the office vacant and order a new election for Past Regent, to take place at the next stated meeting, provided said meeting would occur in the same term in which the Council was instituted. Under no other circumstances shall a Past Regent be elected after the institution of the Council.

Sitting Past Regent.

SEC. **187.** (1) The retiring Regent shall be installed into the office of Sitting Past Regent, and the honors of Past Regent shall be conferred upon him; provided, that after the expiration of the first two terms of the Council he shall have filled the office of Regent for at least six months, and served until the end of his term.

(2) If the Regent is re-elected and enters upon his second term, he is entitled to the honors of Past Regent by virtue of service, and the Sitting Past Regent of the previous term retains his chair.

1. When the By-Laws of a Council impose a fine upon officers for absence from stated meetings, the Sitting Past Regent, who is such, not by election but by virtue of service, is not liable for fine for such non-attendance.—[Decision, Pro. 1885, pp. 253, 257. See Note 1, Sec. 527.

2. A consolidated Council is to be regarded as a new Council, so far as its officers are concerned, and a Regent thereof serving until the end of his term, is entitled to the honors of Past Regent, although he may not have filled the office of Regent for six months.—[Decision, Pro. 1900, pp. 54, 553.

3. A Regent serving until the end of his term of office, becomes, by virtue of such service, entitled to the honors of Past Regent, and installation into the office of Sitting Past Regent is not a condition precedent to the acquisition of such honor. "Until the end of his term" means until his successor has been installed.—[Appeal, Wilson Case, Pro. 1910, pp. 39, 472.

Acting Sitting Past Regent.

SEC. **188.** (1) If the retiring Regent is elected to and installed in a subordinate office, he shall be entitled to the honors of Past Regent, and the Council may elect one of its Past Regents to act as Sitting Past Regent during the term.

(2) If the chair of the Sitting Past Regent becomes vacant by death, withdrawal, removal therefrom by the Council for inattention to his duties, or suspension, the Council may elect one of its Past Regents to act as Sitting Past Regent during the remainder of the term.

CHAPTER II.

Representative to Grand Council.

Election of Representative and Alternate.

SEC. **189.** The Council, if under the jurisdiction of a Grand Council, shall, at institution, and at the annual election of officers next preceding the regular meeting of the Grand Council, elect one Representative to the Grand Council, and one Alternate who shall perform the duties of Representative in case of the death or resignation of

the Representative, or of his inability to attend the Grand Council. They shall serve until their successors are elected. A member eligible for Representative may be a Representative and hold some other office at the same time.

Qualification of Representative and Alternate.

SEC. **190.** (1) No member shall be eligible for election either as Representative or Alternate except the Regent or a Past Regent who has been a member of the Council at least one year prior to the election, except at elections during the first term of the Council, provided that if a Council has not a sufficient number of qualified Past Regents to fill the positions of Representatives and Alternates to which such Council is entitled by its membership, any one, who has been a member of said Council for at least one year prior to the election for said positions, may be elected to serve as a Representative or Alternate, but such election shall not confer upon such member the rank nor entitle him to the honors of Past Regent, or to hold either an elective or appointive office in the Grand Council.

(2) If the Representative is unable to attend the meeting of the Grand Council, he shall immediately cause notice of such inability to be given to the Alternate, who, if he is unable to attend, shall cause notice of the fact to be given to the Regent.

(3) If both the Representative and Alternate are unable to attend the Grand Council, the Regent shall be *ex-officio* Representative. If the Regent is unable to attend, he may appoint a qualified Past Regent, or if no Past Regent is qualified, or able to attend, the Regent may appoint any one who has been a member of the Council at least one year prior thereto, to serve as Representative for that session; but such appointment shall not confer upon such member the rank, nor entitle him to the honors of Past Regent, or to hold either an elective or appointive office in the Grand Council. The limitations of time of membership stated in this paragraph shall not apply to Councils instituted within the year preceding a Grand Council session.

(4) Inability to attend a Grand Council session shall not cause a vacancy in the position of Representative or Alternate. If both the Representative and Alternate resign and a stated meeting of the Council occurs before the Grand Council meeting, the Council may fill the vacancy by election.

(5) Residence outside of the State or Province in which the Council is located shall not be a disqualification for either Representative or Alternate.

Additional Representative.

SEC. **191.** After the Council has a membership of two hundred it shall be entitled to an additional Representative for each additional two hundred members or fraction thereof greater than one hundred.

Special Election of Representative.

SEC. **192.** If the Council shall so increase its membership that, on the first day of the month in which the Grand Council is held, it is entitled to an additional Representative, it may, at any regular meeting, or special meeting called for that purpose, elect such additional Representative and his Alternate; and it shall certify, under seal, such election, and the number of its members in good standing at the date of such election, to the Grand Secretary at least five days before the meeting of the Grand Council.

Additional Representatives.

SEC. **192a.** Additional Representatives shall be elected for each two hundred members, or fraction thereof greater than one hundred,

separately or in a specified numerical order of precedence. And such additional Representative or Representatives shall not be admitted to the Grand Council unless the Council from which they are elected shall contain, at the time of such Grand Council meeting, sufficient membership to entitle it to such additional Representative or Representatives. If the membership of such Council shall be decreased by withdrawals or suspensions of members as not to be entitled to the number of Representatives elected at the annual meeting or subsequent thereto, as herein provided, the number of Representatives shall be reduced accordingly; and only so many Representatives shall be entitled to admission to the Grand Council as the membership of such Council shall entitle it to at the time of the meeting of the Grand Council; and the Representatives elected for the first additional two hundred members, or fraction thereof greater than one hundred, and so on in the order of their election up to the number of Representatives of said Council, to which it is entitled at that time, shall only be admitted to the Grand Council. The membership of such Council at the time of the meeting of the Grand Council shall be determined by the number of members thereof on the first day of the month in which the Grand Council is held, duly certified by its Secretary under its seal to the Grand Secretary.

CHAPTER III.

Qualification, Nomination, Election, and Resignation of Council Officers and filling Vacancies.

Qualification of all Officers.

SEC. **193.** (1) All officers of the Council shall be members in good standing.

(2) No member shall be elected to or installed into office who is indebted to his Council, nor shall any officer who has been installed retain his seat if he shall become in arrears for quarterly dues or suspended.

(3) Members who are in arrears for quarterly dues or indebted to the Council may discharge the same before or at the election, and thereby render themselves eligible to vote or be voted for, if otherwise qualified.

Qualification for Regent.

SEC. **194.** To be qualified for the office of Regent a member must have been elected to and fulfilled, in the Council in which it is proposed to elect him Regent, the duties of some subordinate office for a full or the current unexpired term, except at elections during the first two terms of the Council, and excepting that a Trustee elected for a two or three year term shall be eligible if he shall have fulfilled the duties of his office for one full year, or if in the first year of his term, fulfilled such duties for such current unexpired year.

Promotions.

SEC. **195.** A member holding an office may be elected to a higher office at an election to fill a vacancy, except that no person shall be elected to the office of Regent unless qualified in accordance with Section 194.

Chosen by Ballot.

SEC. **196.** All officers of the Council shall be chosen by ballot, except in cases where there is but one candidate nominated for an office, when the Regent may declare the candidate elected by consent.

Majority to Elect.

SEC. **197.** A majority of the valid votes cast shall be required to elect. In case no candidate receives a majority of the ballots cast, the balloting shall continue till one of them receives a majority. The candidate receiving the least number of votes shall be withdrawn at each unsuccessful ballot.

Candidate Must be Nominated.

SEC. **198.** No vote shall be regarded as a part of the poll unless it be for a previously nominated candidate.

Nominations.

SEC. **198a.** The nomination of Officers, Representatives and Alternate Representatives shall take place at the stated meeting in which the annual election is held, unless the Council shall in its By-Laws provide that such nomination shall be made as provided in Section 198b.

Balloting Upon Candidates.

SEC. **198b.** The Council may provide in its By-Laws that all nominations shall be made at the last stated meeting in November, and that all candidates so nominated may be balloted for upon one ballot at the election, and for the form of the ballot and the method of taking such ballot; provided, that if, between the said last stated meeting in November and the night of election a candidate dies, declines to serve, or it shall appear that he is ineligible, such vacancy in the ballot shall be filled by nomination on the night of election. If the Representatives and Alternate Representatives are to be balloted for as above provided, the order of precedence of the additional Representatives and their respective Alternates shall be numerically specified upon the ballot.

Order of Procedure.

SEC. **199.** If the nominations take place at the stated meeting in which the annual election is held, the first opened shall be for Representative, closed, and the Representive elected; next for the additional Representative or additional Representatives, if the Council is entitled thereto, closing upon and electing each separately, and such election to be immediately followed by the nomination and election in like manner of the Alternate or Alternates for such Representative or Representatives; next for the Regent, and so on in the same manner until all are nominated and elected. If the nominations shall have been made at a prior stated meeting and the additional Representatives and Alternates nominated without specified order of precedence, the Representative and additional Representative or additional Representatives, if any, and their respective Alternates shall be elected as above provided, and the officers in the manner provided in the Council By-Laws authorized by Section 198b.

Judge and Tellers.

SEC. **200.** When an election is held to fill an office or offices of the Council, the presiding officer shall act as judge, and he shall appoint two members to act as tellers.

Duties of Tellers.

SEC. **201.** The tellers shall assist in conducting the election in a just and impartial manner. They shall keep a register of all the votes polled, and announce the number cast for each candidate.

Illegal Ballots.

SEC. **202.** (1) Should it appear that there have been more votes polled than there are legally qualified voters present, the presiding officer shall declare the ballot illegal and void, and direct another ballot to be taken immediately. Each member voting shall then hand his ballot to the tellers, giving his name, and the tellers shall deposit it in the poll.

(2) Unless the right of a member to vote at an election, who is not then entitled to vote, is questioned and decided before his ballot is cast, the election is valid.

Installation.

SEC. **203.** (1) The officers of the Council, legally elected, shall (if qualified) be installed at the first stated meeting in the ensuing term. If they are not installed at the first stated meeting in the term the installation will go over to the next stated or special meeting as unfinished business. The installation may be in public, in which case all reference to the secret work shall be omitted.

(2) Objection to the installation of officers-elect must be made to each officer specifically, and must be considered and decided by the Council before installation. If the objection is not sustained by the Council, the officer-elect should be installed. If the objection is sustained by the Council, the Deputy shall declare the office vacant and order a new election, which may be had at the same or a subsequent stated meeting as the Council may determine. One to whom objection is made shall not vote in his own case.

(3) The installing officer shall, unless objection is made in open Council, or in writing, install all officers who are personally presented to him as legally elected, as in good standing, and who have given the required bond as provided in Section 240, and it shall be the duty of the installing officer to ascertain if such bond or bonds complies with the requirements of said Section before such installation, and no installation shall be legal until such requirements have been fully complied with. The installing officer shall report his action to the Supreme or Grand Regent.

(4) No officer shall enter upon the duties of his office until he has been duly installed.

(5) If it is discovered that a member elected to an office was ineligible at the time of election, and that the ineligibility has not been cured, the election must be declared void and a new election held.

1. Objection was made to the installation of a Collector on the ground that he was indebted to the Council, and the Deputy refused to install him. It appeared that the Collector had never admitted his liability, and that no trial of the case had ever been had. Held: that the Deputy could not refuse to install, nor could he decide the question of indebtedness on *ex-parte* evidence.—[Appeal, Cowan and Baskette v. G. R. Tennessee, Pro. 1896, pp. 34, 278.

2. To justify a refusal to install an officer duly elected, the "objection" thereto must be of such a character, either moral, mental or physical, as would authorize the removal from office of such officer after installation.—[Appeal, Mudge Case, Pro. 1908, pp. 63, 524.

Failure to Present for Installation.

SEC. **204.** If a member who has been duly elected to an office fails to present himself for installation (unless prevented by sickness or some unavoidable occurrence), the office to which he was elected may be declared vacant by the installing officer, and another election shall be ordered forthwith to fill the vacancy.

1. A Secretary-elect was prevented by sickness from attending installation and sent communication to that effect, and his resignation, which the Council laid on the table. Held, that the installing officer, having

knowledge of the facts, could not legally declare the office vacant.—[Decision, Appeal case, Pro. 1899, p. 39; Res. approving, p. 26.

Vacancies.

SEC. **205.** (1) When a vacancy is to be filled, the nomination, election, and installation may occur at the same meeting.

(2) Vacancies occurring in the offices by reason of death, resignation, or otherwise, shall be filled in the manner of the original selection, for the remainder of the term.

(3) The officer elected to fill the unexpired term, and serving until the end of the term, shall be entitled to the full honors of the term; excepting in case of a Regent, who, after the expiration of the first two terms of the Council, has not filled the office of Regent for at least six months.

(4) A resignation must be accepted by the Council before an office becomes vacant.

(5) When a member becomes suspended, any office held by him becomes vacant at the date of his suspension, and at the next stated meeting thereafter the presiding officer shall declare the office vacant, and the Council shall fill the vacancy by election.

Temporary Vacancies.

SEC. **206.** (1) In case of the inability of an officer to perform the duties of his office the Regent may designate a member in good standing to perform such duties during the period of the inability; and in case of the death of an officer, he may make a like designation to be operative until an election shall be held, and the officer elected and qualified; and if the office is that of Secretary, Collector or Treasurer, may require such member to give a like bond to that furnished by the officer whose place he thus fills; and also require the Auditing Committee to examine and audit the books and accounts of the office when the member so designated assumes and when he is relieved from, the duties of the office.

(2) An officer unable as aforesaid to perform the duties of his office is authorized upon the direction of the Regent to deliver the books of his office and the money and property held by him therein to the member designated and qualified, as above provided, for the proper use and legal disposition thereof while he shall perform such duties; and the said member designated and qualified as above provided is also authorized to receive the books of such officer and the money and property held by the officer whose duties he is designated to perform for the use and disposition aforesaid.

CHAPTER IV.

Removals of Officers by the Council.

Cause for Removal.

SEC. **207.** Any officer may be removed for inattention to the duties of his station by vote of the Council, without trial, provided he shall have been notified in writing, by the Secretary, of his proposed removal, at least five days previous thereto, and the cause thereof.

Officers Under Charges.

SEC. **208.** An officer against whom charges are preferred in his Council shall continue to perform the duties of his office, unless otherwise ordered by his Council, the Grand Regent or the Supreme Regent, until final disposition of such charges.

ARTICLE III.

DUTIES OF OFFICERS OF SUBORDINATE COUNCILS.

CHAPTER I.

Duties of Officers.

THE REGENT.

Presiding Officer.

SEC. **209.** The Regent shall preside at all meetings, and enforce the laws, rules and usages of the Council, and of the Supreme and Grand Council; shall decide all questions of order, subject to an appeal to the Council; shall act as judge in all elections, and declare the result.

Appoint Committees.

SEC. **210.** He shall appoint all committees unless otherwise ordered by the Council, and remove any member of a committee appointed by him, for neglect of, or failure to perform, his duty.

Sign Orders.

SEC. **211.** He shall sign orders on the Treasurer for all money ordered to be paid by the Council.

1. Should a Council vote not to pay the per capita tax, or fail to order its payment, it would still be the duty of the Regent to draw, and of the Secretary to attest, a draft for its payment. The payment of the tax being a constitutional obligation, authority of the Council to draw an order to pay it is not necessary.—[Decision, Pro. 1886, pp. 250, 257.

When He May Vote.

SEC. **212.** He shall not be entitled to vote, except when electing officers, balloting upon applicants for membership, and when the members are equally divided on other questions. He shall not cast a decisive ballot in case of a tie in an election.

Communicate Passwords.

SEC. **213.** He may communicate the semi-annual password to a member of another Council upon request therefor by the Regent of said Council, in writing, attested by its Secretary and under its seal.

Appoint Standing Committees.

SEC. **214.** Immediately after his installation he shall appoint a Finance Committee of three and an Auditing Committee of three.

Hold Bonds.

SEC. **215.** He shall receive and hold the bonds of the officers and all securities therefor, and at the expiration of his term of office, or on earlier demand therefor by the Council, deliver the same to his successor, or as the Council shall direct.

Other Duties.

SEC. **216.** He shall perform such other duties devolving on his office as the laws, rules and usages of the Order enjoin.

THE VICE-REGENT.

Duties.

SEC. **217.** The Vice-Regent shall assist and aid the Regent in conducting the ceremonies, have charge of the inner door, and, in the absence or disability of the Regent, he shall preside and perform the duties of Regent. He shall perform such other duties as the usages of the Order enjoin.

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THE ORATOR.

Entertainments.

SEC. 218. The Orator shall endeavor to entertain the members of the Council by delivering a lecture, reading a paper, or presenting something of a moral, social or interesting nature at each meeting of the Council.

THE SITTING PAST REGENT.

Duties.

SEC. 219. The Sitting Past Regent shall assist in conducting the ceremonies, and perform such other duties as the laws, rules and usages of the Order enjoin.

THE SECRETARY.

Records and Correspondence.

SEC. 220. The Secretary shall keep accurate reports of the proceedings of the Council, which he shall record in a book kept for that purpose; and shall also keep a record of the attendance of the Officers in an Officers' Roll-Book; shall conduct the general correspondence, have charge of the seal and records, and read all official communications from Supreme, Grand and Subordinate Councils at the next stated meeting of the Council after their receipt.

Draw Orders.

SEC. 221. He shall draw and attest all orders on the Treasurer, and keep a record thereof.

Make out Reports.

SEC. 222. He shall make out the annual report of the work and business of the Council to the Supreme and Grand Councils, and see that they are properly signed and attested, and shall make out and render to the Grand Secretary a monthly report of the growth and condition of the Council upon such blank as may be required.

Send Notices.

SEC. 223. He shall notify each member of the Investigating Committee of their appointment within forty-eight hours after the meeting at which they were appointed. He shall notify each applicant, within forty-eight hours after receipt of the Investigating Committee's report, to present himself to the Medical Examiner for examination. He shall notify all applicants, who have been elected to membership, within five days thereafter. He shall notify the Collector at once upon the receipt of notice of an extra assessment from the Supreme Secretary. He shall notify the Supreme Secretary at once of all withdrawals, suspensions, expulsions or reinstatements in the Council, giving the name and number of the Benefit Certificate in each case.

SEC. 223a. Upon receiving information of the death of a member of the Council, he shall immediately notify the Supreme Secretary thereof, and, upon blanks furnished by the Supreme Council for that purpose, he shall prepare the proofs of death, and when completed and acted upon by the Council, he shall promptly forward the same to the Supreme Secretary.

Other Duties.

SEC. 224. He shall perform such other duties as the laws, rules and usages of the Order enjoin, or as the Council may prescribe consistent therewith.

THE COLLECTOR.

Keep Accounts.

SEC. **225.** The Collector shall keep a full and correct account between the Council and its members.

Receive Money and Pay to Treasurer.

SEC. **226.** (1) He shall receive all money due the Council, and pay the same to the Treasurer before the close of each meeting, and at such other times as the Treasurer may require, taking his receipt therefor.

(2) He shall enter on the cash and other books of account and report the fees for changes of Benefit Certificates and fines paid by members.

(3) He shall enter on the cash book the date and amount of every payment by a member, and give a receipt for the same. If authorized by the Council, he may have a fac-simile of his signature, to be used in connection with his official stamp in giving receipts.

Widows and Orphans' Benefit Fund Accounts.

SEC. **227.** He shall notify all members of extra assessments immediately on receipt of notice thereof, and shall conduct the correspondence with the Supreme Secretary, especially relating to the Widows and Orphans' Benefit Fund, and the individual assessment account of members. He shall receive all money for the Widows and Orphans' Benefit Fund, and keep separate accounts of the same in books provided for that purpose.

1. The Collector being an officer of the Council, selected by its members, is the agent of the Council, and not of the Supreme Council. The members are responsible for the manner in which he performs his duty. If he uses his position to injure a brother because of a personal quarrel, our laws provide a remedy.—[Appeal, Dixon, v. Argonaut Council, Pro. 1895, p. 322.

Give Notice of Arrears.

SEC. **228.** He shall notify members when they are in arrears to the amount of three months' dues. If a member's dues for a quarter are not paid at or before the first stated meeting in the next quarter, or a member stands suspended for non-payment of an assessment, he shall notify the Regent of the fact.

List of Delinquent Members.

SEC. **229.** He shall at the time of election of officers furnish the Regent with a list of members not in good standing, and not entitled to vote.

1. A verbal statement to the Regent by the Collector that "no members were in arrears", was decided to be sufficient compliance with the law.—[Appeal, Moore et al. v. G. R. N. Y., Pro. 1895, p. 35; Res. approving, p. 38.

Other Duties.

SEC. **230.** He shall make out a report of the semi-annual dues to the Supreme or Grand Council; and shall perform such other duties as the laws, rules and usages of the Order enjoin, or as the Council may prescribe, consistent therewith.

THE TREASURER.

Receipts and Payments.

SEC. **231.** (1) The Treasurer shall receive from the Collector all money paid to him for the Council, and give his receipt therefor.

(2) The Council shall, either in its By-Laws or by resolution, designate a bank or other depository, and therein he shall deposit

to the credit of and in the name of the Council, all funds so received by him, and the same shall be drawn out only by checks signed by the Treasurer of the Council. He shall pay all orders on him signed by the Regent and attested by the Secretary.

(3) He shall not lend Council funds or use them in any business, or for any purpose except such as the Laws of the Order designate.

Accounts.

SEC. **232.** He shall keep a regular and correct account of all money received and paid by him; shall keep a separate account of the Widows and Orphans' Benefit Fund, and not allow this Fund to be used for any other purpose; and shall have his accounts ready for settlement on the last day of June and December, respectively.

Annual Report.

SEC. **233.** He shall make out the annual report of the finances of the Council, showing the total amount of receipts, disbursements and balances in the several funds of the Council.

Other Duties.

SEC. **234.** He shall perform such other duties as the laws, rules and usages of the Order enjoin, or as the Council may require, consistent therewith.

THE CHAPLAIN.

Duties.

SEC. **235.** The Chaplain shall offer up invocations to, and ask blessings from, the Deity, and perform such other duties as the laws, rules and usages of the Order enjoin.

THE GUIDE.

Duties.

SEC. **236.** The Guide shall have charge of the jewels, paraphernalia and other property of the Council intrusted to his care, and perform such other duties as pertain to his office.

THE WARDEN AND SENTRY.

Duties.

SEC. **237.** The Warden and Sentry shall perform such duties as the laws, rules and usages of the Order require of them.

THE TRUSTEES.

Custody of Property and Investments.

SEC. **238.** The Trustees shall have the general supervision of all the property of the Council. They shall invest, in such property and securities, including deposits in savings banks, as the Council may direct, such sums as it orders to be drawn from the Treasury for that purpose. They shall have the custody of all securities of the Council for money loaned or invested; they shall collect or realize all such sums when so directed by the Council. They shall collect all interests, rents or other moneys arising from investments belonging to the Council, and pay the money collected by them to the Collector. They shall, at the close of each term of six months, report their transactions to the Council, and make an inventory of all property

Duties.

SEC. **239.** The Representative to the Grand Council shall receive the instructions of his Council, and faithfully represent its interests. When a Representative is elected who has not previously been admitted to membership in the Grand Council, he must procure and present his certificate of Past Regent or Regent, together with that of Representative, before applying for admission to the Grand Council.

1. The above section does not confer authority upon a Subordinate Council to bind its representative upon matters relating to legislation at the Grand Council, and a failure to obey any so-called instructions does not violate any of the penal provisions of our laws, rules or regulations.—[Appeal Lewis vs. Bronx Council, No. 1416, Pro. 1913, pp. 43, 416.

CHAPTER II.

Bonds of Council Officers.—Other Duties.

Who Give Bonds.

SEC. **240.** Before his installation each of the following-named officers shall give a bond for such an amount as will equal the largest sum held by him or his predecessor in office, at any one time during the preceding year, with ten per cent. of said amount in addition thereto, but in no instance shall such bond be for a less amount than hereinafter specified, with security approved by the Council, for the faithful performance of his duties:—

Secretary, for a sum not less than one hundred dollars.

Collector, for a sum not less than three hundred dollars.

Treasurer, for a sum not less than five hundred dollars.

Trustees, a separate or a joint and several bond, not less than one hundred dollars; provided, that if no money, securities, or property shall come into the possession of such Trustees such bond may not be required.

1. It is inexpedient to absolutely require the use of any (common) form of bond; but the Councils are recommended to use the forms for Trustees and other officers furnished by the Supreme Council. New bonds must be given each term, even if the officers are re-elected.—[Report and Res., Pro. 1902, pp. 146, 147.

Security on Bonds.

SEC. **241.** The Council may approve and accept as security for the bonds, or either of them, the guarantee of any reputable fidelity or guaranty company, and may adopt the proper and necessary measures to provide for its officers such security.

Regent to Hold Bonds.

SEC. **242.** All bonds shall be made in favor of the Regent, in trust for the Council, and the Regent shall have the custody thereof.

Delivery to Successors.

SEC. **243.** All Council officers shall, at the end of the term for which they are elected, or upon any earlier termination thereof, deliver to the Council, or to their successors in office, all moneys, books, papers, securities, and other property of the Council that have come into their hands or possession, except such as may have been lawfully disposed of, and render proper account thereof.

They shall at any time upon request of the Grand or the Supreme Regent produce and deliver to him, or his authorized Deputy, for the purpose of examination and verification, all their books, papers, vouchers and documents, and produce all securities and moneys held by them as such officers, which he shall deem proper or necessary therefor.

ARTICLE IV.

STANDING COMMITTEES OF COUNCILS.

CHAPTER I.

Relief, Finance, and Auditing Committees.

THE RELIEF COMMITTEE.

Who Compose.—Duties.

SEC. 244. The Regent, Vice-Regent, and Past Regent shall constitute the Relief Committee, of which the Regent shall be Chairman. Their duties shall be to visit the sick or disabled brothers, and to report at each stated meeting; and in all cases of application for relief, whether from members, or others who are recommended by a member, they may suggest to the Council such pecuniary assistance as they believe is needed.

THE FINANCE COMMITTEE.

Duties.

SEC. 245. The Finance Committee shall examine and report on all bills against the Council before the payment thereof, unless the Council shall otherwise determine by a two-thirds vote of the members present.

THE AUDITING COMMITTEE.

Duties and Report.

SEC. 246. (1) The Auditing Committee shall examine and audit the books and accounts of the Secretary, Collector, Treasurer, and Trustees and any other officer or a member of an elective or appointive committee, receiving or disbursing any funds of the Council, at the close of each semi-annual term, and examine the books of account of said officers or their predecessors in office at such other times as they may deem it expedient or the Council or Regent shall direct, and make written report to the next stated meeting of the Council.

(2) Such report shall state all receipts and disbursements of the several funds of the Council, since the last previous report, and the balances in the hands of the various officers to the credit of each fund; and shall also include a statement of all the assets and liabilities of the Council.

1. The Supreme Secretary and Committee on Finance are authorized, subject to the approval of the Supreme Regent, to prepare and promulgate a system of blanks for the use of Auditing Committees of Councils.—[Res., Pro. 1899, p. 124.

2. A Trustee of a Subordinate Council is disqualified from acting as a member of the Auditing Committee.—[Decision, Pro. 1907, pp. 87, 88.

Powers.

SEC. 247. (1) The Auditing Committee shall have power to and shall require the production of all books, papers, vouchers and documents relating to the accounts they examine, which may be necessary to determine their correctness, or the actual cash at any time in the hands of either officer, or committee, and the Treasurer shall produce a statement, certified by an officer of the bank in which the funds of the Council are kept, showing the actual balance on the day of such meeting of the Auditing Committee.

(2) The Collector shall exhibit to the Auditing Committee his books and accounts and give reasonable opportunity to examine them; but he shall not be obliged to part with their possession unless he has been suspended or removed from office.

1. The Auditing Committee, acting for the Council as agent of the member, should make a most thorough and rigid examination of the accounts for the entire term, even if they have most implicit confidence in the officers.—[Cir., Pro. 1907, pp. 39, 366.

Standing Investigating Committee.

SEC. **247a.** (1) The Regent, Vice-Regent, Orator, Past Regent, Secretary, Collector, Treasurer, Chaplain, Guide and the three Trustees, with such additional members as the Council may elect therefor at the annual election, shall constitute the Standing Investigating Committee.

(2) They shall investigate the character, habits and other qualifications of an applicant whose application, or preliminary request, is referred to them, provided that no member of said Committee who recommends an applicant shall act officially upon his application. They shall report as soon as possible to the Secretary and Medical Examiner, as the laws shall require.

ARTICLE V.

BY-LAWS AND ALTERATIONS THEREOF.

CHAPTER I.

Two-Thirds Vote Necessary.

SEC. **248.** By-Laws may be made, and from time to time altered or amended, by the Council, by a two-thirds vote of the members present.

1. For approved form of By-Laws, see Appendix to this Volume.
2. The necessary By-Laws are few in number and should cover in briefest language only those particulars in regard to which the Laws of the Order cannot make general provisions, as the time for stated meetings, Degree fee, dues, etc.—[Adopted report, Pro. 1894, p. 286.
3. Thirty members were present at a Council meeting when a vote was taken upon a proposed amendment to the By-Laws. Seventeen voted in the affirmative, eight in the negative, and five declined to vote. Held: that the amendment was lost and that "a two-thirds vote of the members present" means a two-thirds vote of the members present in the Council room when the vote is taken.—[Appeal, Hitchcock *vs.* Grand Regent of New York, Pro. 1905, pp. 48, 406.

How Proposed.

SEC. **249.** All By-Laws and alterations thereof must be proposed in writing, signed by two members of the Council, read at a stated meeting, entered on the record, laid over and read at another stated meeting, before being finally acted upon.

Amended Amendments.

SEC. **250.** If an amendment is made by the Council to a proposed amendment, the amendment as amended must be laid over until the next stated meeting before adoption, when such amendment and its amendments shall be finally acted upon without further amendment.

Restrictions on By-Laws.

SEC. **251.** (1) A By-Law or alteration thereof must not contravene or conflict with the Constitutions of the Supreme, Grand, or Subordinate Councils, nor the General Laws and principles of the Order, nor repeat any portion of the said Constitutions and Laws.

(2) No provision shall be made either by By-Law, resolution or vote, for the temporary suspension of a By-Law, nor for the nullification of the provisions of any law, rule or regulation adopted by the Supreme Council.

(3) No fines shall be imposed by By-Law unless specifically authorized by a law of the Supreme Council.

(4) No By-Law shall provide for a special assessment to be levied for the General Fund or to meet the legal obligations of the Council.

Approval of.

SEC. 252. All By-Laws and alterations thereof must, after adoption by the Council, be submitted to the Committee on Laws of the Supreme or Grand Council, and shall take effect from the date of approval by such Committee.

1. Business illegally transacted by a Council, through inadvertence, under By-Laws not approved by Committee on Laws, may be legalized by Dispensation.—[Dispensation 1, Pro. 1886, pp. 17, 146.

2. A code of rules is in effect a code of By-Laws, and, unless approved by the Committee on Laws, is of no validity or force to guide or control a Council's action.—[Appeal Bannon v. Ringgold C'l, No. 365, Pro. 1894, pp. 42, 196. See also Rept. Com. on Laws, Pro. 1895, p. 214.

3. A Council adopted a By-Law that "no assessment shall be levied except for the Widows and Orphans' Benefit Fund." The Committee on Laws of the Grand Council approved the same with the following addition: "Unless called by the Supreme Council or Grand Council." Upon appeal, it was held that without the addenda the By-Law might array the Council against the Supreme or Grand Council, should it be necessary for either of these bodies to levy an assessment for any exigency, or to establish a relief fund, and would contravene the laws and principles of the Order. [Appeal of Asbury Council, No. 682, v. G. R. of Md., Pro. 1898, pp. 36, 207.

4. It is enjoined upon Committees on Laws of Grand Councils, in passing upon proposed By-Laws of Councils, or amendments thereto, to exact strict compliance with the Constitutions and Laws of the Order.—[Res., Pro. 1891, p. 271.

5. A standing resolution is of the same general nature as a standing rule, the main difference between which and a By-Law being in the number of members required to pass or repeal. A standing rule or resolution may be enacted or repealed by a majority vote, without previous notice; a By-Law must be passed or repealed by a two-thirds or three-fourths majority, on notice previously given. A Council may conduct its business under standing resolutions, subject to change without notice or approval by higher authority, excepting when our laws specifically provide therefor, or by a By-Law.—[Adopted Report, Pro. 1895, p. 214.

Record of Approval.

SEC. 252a. Upon the approval of By-Laws by the Committee on Laws having jurisdiction thereof, they shall be sent to the Supreme or Grand Secretary, who shall attest the same, affix the Supreme or Grand Council seal thereto, and forward them to the Council.

If Relate to Widows and Orphans' Benefit Fund.

SEC. 253. All By-Laws relating to the Widows and Orphans' Benefit Fund, Supreme Council Dues, and sick benefits and payment thereof, must be submitted to and approved by the Committee on Laws of the Supreme Council, and shall not take effect until and be operative only in the form of such approval.

PART IV.

GENERAL LAWS OF THE ROYAL ARCANUM.

TITLE I.

APPLICATION FOR, ELECTION AND INITIATION TO, MEMBERSHIP.

CHAPTER I.

Qualification, Duty, and Election of Applicants.

Age.

SEC. **270.** No person shall be admitted to membership in the Royal Arcanum, except he is between the ages of eighteen and fifty-five years.

Other Qualifications.

SEC. **271.** Each applicant must be a man of sound health, of good moral character, a believer in a Supreme Being, and competent to earn a livelihood for himself and family.

Proscribed Applicants and Occupations.

SEC. **272.** (1) The following named occupations are Proscribed Occupations:

(a) The selling, either directly or indirectly, personally or by agents or employees, as owner of the business or any part or share thereof, or as agent or employee of the owner or owners thereof, of intoxicating liquor to be drunk on the premises where sold or served.

(b) The serving of intoxicating liquors to be drunk on the premises where such intoxicating liquors are sold.

(c) The selling of intoxicating liquor at wholesale by a salesman.

(d) The occupations of the following named railroad employees: A locomotive engineer, a locomotive fireman, a freight brakeman, a common section hand, a car-coupler, a switchman.

(e) The occupation of an enlisted man (not a commissioned officer) in the regular army.

(f) The following named marine occupations: That (a) of an enlisted man in the regular navy below the rank of a petty officer of the 2nd class; (b) of a common sailor; (c) of a diver or submarine worker; (d) of a deep-water fisherman below the rank of captain; (e) of an officer or employee upon an ocean-going barge.

(g) The occupation of (a) an electric railway lineman; (b) an electric light lineman; (c) a telephone lineman; (d) a telegraph lineman.

(h) The occupation of (a) a driver or mechanician in professional automobile racing; (b) a professional aeronaut, or aviator.

(2) A person who is engaged or employed in, or performs the duties required by, any of the above specified occupations shall not be eligible for membership and an application shall not be received from such person. Provided, however, that the owner or proprietor of a hotel or restaurant; an employee other than a barkeeper or bar attendant in a hotel or restaurant who does not sell, but who may

serve, intoxicating liquor; a salesman of liquor at wholesale, and a railroad switchman may make a written statement and attach the same to, and make the same a part of, and subject to the forfeitures and warranties named in, his application and medical examination, giving a full description of his business and ownership, his interest financial or otherwise therein, or his employment and the duties thereof, and upon, but not without, the approval of the Medical Examiner-in-Chief, become an eligible applicant.

(3) The following classes of persons shall not be eligible for membership:

(a) One who does not believe in a Supreme Being.

(b) One who cannot understand, or read, or repeat the obligation as printed.

(c) One whose leg has been amputated above the knee.

(d) One who cannot state the year of his birth.

(e) One who is deaf and dumb, or blind.

(f) A native of the Mongolian or Yellow race.

No application shall be received from a person of either of said classes.

1. The offspring of mixed yellow and Caucasian parentage is not eligible for membership.—[Decision, Pro. 1908, pp. 48, 55.

If Member Enters Proscribed Occupation.

SEC. **272a.** (1) A member who, during the first five years of his membership, shall enter upon or become engaged, employed or interested in a proscribed occupation, shall thereby and thereupon stand suspended from all rights and privileges in the Order, cease to be in good standing, forfeit all the rights and privileges of membership and in his Benefit Certificate, which shall be void, and no assessments or dues shall be received from him thereafter.

(2) The Regent shall announce the suspension in the Council. The Secretary shall record the suspension, the date thereof, if known, and of the announcement thereof, and immediately notify the Supreme Secretary, giving the member's name, date and cause of suspension, number of his Benefit Certificate, the proscribed occupation upon which the member has entered and the date the suspension was announced in Council.

(3) When a member desiring to enter upon an occupation proscribed by Section 272, shall file with the Supreme Secretary a written statement, upon the form prescribed therefor, making the same subject to the forfeitures and warranties similar to those provided in his application for membership and medical examination, and giving a full and detailed description of the duties of his proposed occupation, upon, but not without, the approval of the Medical Examiner-in-Chief, the said member shall not be subject to suspension for entering upon such occupation, and shall not be required to file a waiver, as provided in Section 272b.

Proscribed Occupation Waiver.

SEC. 272b. A member desiring to enter upon a proscribed occupation, other than that specified in paragraph (1) (a) and (b), of Section 272, may file with the Supreme Secretary, a Proscribed Occupation Waiver, as prescribed by the Supreme Council, and if the same is satisfactory to the Supreme Secretary he shall attach such waiver to the member's application, and it shall thereupon become and remain a part of the member's contract with the Order, and the entering by him thereafter upon such occupation, or continuing his employment therein, shall not cause his suspension. (For form of Proscribed Occupation Waiver, see Appendix.)

Sign Application.

SEC. 273. (1) Each applicant for membership in the Order must sign the application, or he may sign a preliminary request, for admission to membership, each of which shall be as prescribed by the Supreme Council; state the date of his birth, his age, occupation, and residence, and the name, residence and relationship or dependence of his proposed beneficiary.

(2) He must be recommended by two members in good standing in the Council to which he makes application, and the recommenders must sign the application personally.

(3) An applicant who cannot write his name may make his mark with two witnesses thereto.

1. The fact that one of the recommenders of an applicant afterwards appears to have been illegally admitted would not invalidate the admission of the applicant, all other legal requirements having been complied with.—[Decision, Pro. 1895, pp. 76, 317.

Fees with Application.

SEC. 274. (1) The application or preliminary request must be accompanied by not less than two dollars for the Medical Examiner, and fifty cents for the Supervising Medical Examiner, unless the Council shall provide in its By-Laws, or by standing resolution, that said Medical Examiners' fees shall be paid to the Medical Examiner at the time of the examination, by the applicant.

(2) There shall be no repayment or rebate to the applicant of the fees of the Medical Examiner, or Supervising Medical Examiner, or any part thereof.

1. For receiving applications without the minimum fee required by Sec. 274 a Council was, after trial, fined by the Grand Regent. Upon appeal the action of the G. R. was affirmed.—[Appeal, Progress Council, No. 66, v. G. R. N. Y. Pro. 1902, pp. 51, 371.

Read in Council.

SEC. 275. The application or preliminary request shall be read in open Council at a stated meeting thereof, entered on the record, and the accompanying fees placed in the hands of the Secretary.

Investigating Committee.

SEC. 276. A committee of three members of the Council shall then be appointed to investigate the character, habits, and other qualifications of the applicant (provided that no more than two applications, or two preliminary requests, shall be referred to one committee at the same meeting), and their report shall be filed with the Secretary as soon as possible. They shall also report to the Medical Examiner any facts coming to their knowledge regarding the physical disqualifications of an applicant. The favorable report of the said committee, with any special report of a member thereof, shall be filed and forwarded with the application, or preliminary request, to the Medical Examiner. If they shall report favorably they shall furnish the applicant with a blank embracing questions numbered two and three upon the Medical Examination form, with instructions to secure the information required for adequate answer to said questions, before attending upon the Medical Examiner.

1. A member of an Investigating Committee who knows of the impaired mental and diseased physical condition of the applicant, who does not believe him a fit subject for admission, who conceals this fact from the Council and its members, and joins in a favorable recommendation, commits an act not warranted either by the cloak of professional relationship (family physician) between himself and the applicant, or by the fact that the applicant would have been recommended anyhow. If any facts are within the knowledge of a member of such committee, which would be a bar to the applicant's admission, it is his bounden duty to make them known.—[Adopted report, Jones Case, Pro. 1891, pp. 230-1.

3. It is a gross irregularity, if not an illegality, for the Regent to appoint on the Investigating Committee one who recommended the applicant.—[Adopted report, Jones Case, Pro. 1898, pp. 367-9.

4. Regents are especially charged not to appoint upon Investigating Committees members who propose an applicant.—[Cir., Pro. 1899, p. 37; Res. ap., 370.

4. Grand and Subordinate Council Officers are urged to see that Investigation Committees exercise the utmost care in performing their duties, to the end that fraud shall not be perpetrated by the admission of applicants engaged in proscribed or extra-hazardous occupations.—[Res., Pro. 1898, pp. 372-4.

5. Regents are charged to appoint as members of Investigating Committees only those who will faithfully perform the duties laid down in the instructions printed upon the form of report.—[Cir., Pro. 1897, pp. 36, 382.

Medical Examination.

SEC. **277.** If the report of the committee is favorable, the Secretary shall, within forty-eight hours, send the application, or preliminary request for membership, and notify the applicant to present himself to the Medical Examiner, who after, and not until, obtaining the signature of the applicant to the application, and annexing thereto such preliminary request, unless the applicant originally signed the application and the same was read in open Council, and making an examination on the form prescribed by the Supreme Council, shall immediately refer the same to the proper Supervising Medical Examiner, who shall report his decision to the Secretary.

1. A member who has inadvertently omitted to mention a fact in his family history which would have caused his rejection, must surrender his Benefit Certificate and retire from the Order.—[Richards case in Talbot, No. 727, Pro. 1895, pp. 71, 211.

2. A medical examination made before the application is presented to and read at a regular meeting of the Council, unless made under the authority of Section 273a, is illegal.—[Cir., Pro. 1904, pp. 14, 200, Pro. 1905, p. 525.

2. Applicants must be sent to the examiner most convenient to their homes or places of business, unless urgent reasons prevent, and Councils and Secretaries must not make discrimination in favor of or against any Medical Examiner.—[Report Pro. 1911, p. —.

Reports Read in Council and Ballot.

SEC. **278.** (1) The reports of the Investigating Committee and the Supervising Medical Examiner shall be presented together at a stated meeting of the Council, the next, if possible, by the Secretary, and need not be read in full unless called for by a member or ordered by the Council.

(2) If both reports are favorable a ballot may then be had.

(3) The ballot shall be at a stated meeting.

(4) When two or more applicants are to be balloted for at one meeting, a ballot may be had on all of them collectively. If the ballot be clear, all of the applicants shall be declared elected; if one black ball or cube appear, a ballot shall then be had on each applicant separately.

(5) Such ballot shall not be taken unless the application and medical examination paper, with the approval of the Supervising Medical Examiner endorsed thereon, and report of Investigating Committee are actually before the Council.

(6) If it appears that the applicant has become physically disabled or mentally impaired since the approval of his medical examination, the ballot and initiation shall be postponed and investigation made.

1. But a small percentage of applicants are rejected by ballot after they have passed a medical examination. The safe policy to pursue is to always require all conditions of membership to be complied with by the applicant before his election by ballot. A serious danger of allowing a ballot before medical examination would be the possible legal obligation

incurred by the Order, in case of death of an applicant before he had been passed by the Medical Examiner.—[Accepted report, Pro. 1899, p. 294.

2. An applicant was admitted without the approval of the Supervising Medical Examiner being indorsed on the paper. Held, that he never became a member, and the refusal of the executive officers to issue Beneficiary Certificate was approved.—[Report and Res., Curtin Case, Pro. 1905, pp. 329, 330.

3. Negligence or carelessness of officers, in using a ballot-box in a dilapidated condition, is not sufficient ground for condoning or healing the rejection of an applicant, by mistake, under such circumstances.—[Adopted report, Pro. 1899, p. 419.

Standing Investigating Committee.

SEC. 278a. (1) The application or request may be presented to the Secretary between the stated meetings of the Council, and at the first stated meeting thereafter he shall announce the presentation, the date thereof, the name, residence and occupation of the applicant, and his action thereupon, and record all thereof upon the records of the Council.

(2) Upon so receiving the application or request he shall immediately send the same to two members of the Standing Investigating Committee and notify all the other members of the Committee thereof and give them the names of such two members.

(3) If such two members both report favorably they shall without delay forward their report with the application or request to the Secretary, who shall immediately forward the same to the Medical Examiner.

(4) The Medical Examiner and Supervising Medical Examiner in such case shall perform all the duties of their respective offices in respect to applicants and applications.

(5) The reports of the Investigating Committee and Supervising Medical Examiner shall be presented by the Secretary at the next stated meeting of the Council, if possible, and if all are favorable a ballot may then be had, and if the applicant is elected the Degree may then be conferred.

(6) If the two members of the Investigating Committee selected as aforesaid cannot agree upon a report they shall choose another member of the Standing Investigating Committee to act with them, and the three so selected shall constitute the Investigating Committee upon the applicant. If the report is favorable, the same course shall be pursued as is provided when the two originally selected make favorable report. If the report is unfavorable, the same with the application or request shall be filed with the Secretary as soon as possible and the same course thereafter followed as the laws provide in the case of the unfavorable report of the Investigating Committee.

Election.

SEC. 279. If six members vote and the ballot is clear, or not more than three black balls appear, the applicant shall be declared elected.

1. After an applicant is elected, if it is discovered that he does not possess the qualifications for membership, he must not be initiated. Such an initiation is void.—[Decision, Pro. 1895, pp. 226, 227.

CHAPTER II.

Rejected and Ineligible Applicants.

Rejected by Ballot.

SEC. 280. (1) If four or more black balls or other are cast, the applicant shall be declared rejected, and shall not again be proposed or balloted for within six months thereafter.

(2) The ballot-box shall be supplied with at least four black balls or cubes, and a ballot with less than that number in the box is illegal.

(3) After the declaration of rejection, a ballot whereby an applicant was rejected, though by a mistake of those voting unfavorably, shall not be reopened or reconsidered.

Rejected on Report of Investigating Committee.

SEC. 281. If the report of the Investigating Committee is unfavorable, the Secretary shall read the report at the next stated meeting, and the Regent shall declare the applicant rejected; and an applicant so rejected cannot be proposed or admitted to any Council within six months thereafter.

Declared Ineligible.

SEC. 282. If the applicant is rejected by the Supervising Medical Examiner, the Regent shall declare him ineligible; and an applicant so declared ineligible shall not be proposed or admitted to any Council within six months thereafter; but he may be admitted to the same Council on a new application within six months, if the Supervising Medical Examiner shall reverse his decision.

Applicant may Cause Rejection.

SEC. 283. If an applicant refuses or neglects to undergo an examination within six weeks from the date of the Secretary's notice to him to present himself to the Medical Examiner, he shall be declared rejected, and the Medical Examiners' fees returned; but the applicant may make a new application at once, and the Council may credit him with the amounts paid upon his previous application, provided the same have not been returned to him.

Cannot Withdraw Application.

SEC. 284. After an application is received and read in a Council, it cannot be withdrawn under any circumstances, excepting for the following purpose: An application, after presentation to a Council, may be transferred to another Council at any time before the Degree is conferred, with the consent of both Councils and of the Supreme or Grand Regent. Upon such consent the Secretary of the Council in which the application is pending shall forward the application and the fees accompanying the same, then unexpended, to the Secretary of the other Council in which all further requirements for admission and necessary proceedings shall be had.

Record of Rejection and Ineligibility.

SEC. 285. Whenever an applicant is rejected or declared ineligible, the Secretary shall make a record of his name, residence, occupation, and cause of rejection or ineligibility, and immediately communicate the same to the Supreme Secretary, who shall keep a record thereof.

CHAPTER III.

Procedure upon Application after Election.

Notice of Election.

SEC. 286. The Secretary shall notify each applicant of his election within five days thereafter, and of the place where, and the period in which, he must present himself to receive the Degree. The applicant may waive such notice and receive the Degree at the meeting at which he was elected.

Medical Examination Void after Sixty Days.

SEC. 287. If sixty days elapse from the date of the approval of the applicant's medical examination, before the Degree is conferred, such examination shall be void, and a new medical examination shall be had and approved by the Supervising Medical Examiner, before he can receive the Degree. The Supreme Regent is authorized, if he shall find upon investigation that the applicant was without fault in the matter of the lapse of time, and that his initiation occurred at the first stated meeting of the Council after the expiration of said sixty days, to legalize by Dispensation such initiation; and any initiation without such Dispensation shall be void, and confer no benefits or privileges of membership in the Order upon the applicant.

1. The Supreme Regent refused, for want of power, to grant a Dispensation legalizing an initiation by a Council having full knowledge that more than sixty days had elapsed since date of approval of medical examination. A new medical examination was made and referred to the Medical Examiner-in-Chief, who rejected the applicant. Held, that Sec. 285 provides the only lawful method for a reconsideration of the case.—[Adopted report in Burrows case, Pro. 1902, pp. 211, 212.

Council Order New Ballot and Medical Examination.

SEC. 288. The Council may, by a majority vote, at any stated meeting before initiating any elected applicant, order a new ballot on his election to membership, or require him to pass a new examination by the Medical Examiner, subject, in case of variance from his first examination, to supervision by the Supervising Medical Examiner; such examination and supervision to be at the expense of the Council.

CHAPTER IV.

Conferring the Degree, and Suspension Thereof During Epidemic.

Fees to be Paid.

SEC. 289. (1) Each applicant, on presenting himself to receive the Degree, shall sign the obligation of the Order, pay to the Widows and Orphans' Benefit Fund the assessment for the current month, prescribed and fixed for his age at the time of receiving the Degree, computed from his nearest birthday, the Degree Fee, and dues for the current quarter or fraction of a quarter (not less than fifty cents).

(2) An applicant who knows the year of his birth, but not the day or month, shall be rated as born January 1.

(3) An applicant who presents himself to receive the Degree, as required by notice from the Secretary, but does not receive the Degree at that meeting, and passes to a higher assessable age before receiving it, may be assessed by Dispensation of the Supreme Regent at the rate applicable to him at the time when he so presented himself to receive the Degree.

When Degree Conferred.

SEC. 290. (1) The Degree may be conferred at a stated or special meeting upon any applicant who has been legally elected at a stated meeting.

(2) An applicant must receive the Degree in the Council to which he makes application. One Council shall not initiate an applicant to another Council, except by Dispensation of the Supreme Regent, or of a Grand Regent when both Councils are in the same jurisdiction.

(3) The Regent may authorize the Degree team of his Council, or the officers or Degree team of another Council, or Councils, to confer the Degree for him in his own Council.

(4) The Supreme Regent or a Grand Regent may authorize the officers or the Degree team of one Council, or a Degree team composed of officers or members of several Councils, to confer the Degree at a union meeting of two or more Councils, upon applicants to the Councils participating therein.

(5) The Degree shall not be conferred by or for a Council while it is under suspension.

Only Degree Entitles to Benefits.

Sec. 282. No applicant shall be entitled to any of the benefits provided by the Laws of the Order, or to any privileges of membership, under any application or any election had thereon, until he has received the full Degree, to wit: taken the obligation, been instructed in the cardinal principles of the Order, and in the secret work as prescribed, or authorized by the Supreme Council. The Regent shall not declare an applicant a member of the Order, and entitled to its benefits and privileges, until the applicant has received the full Degree as hereinabove prescribed.

1. The Degree is not conferred until it is finished and the applicant pronounced a member by the Regent, and declared entitled to receive the benefits of the Order.—[Decision, Pro. 1896, pp. 11, 217.

Degree Fee.

Sec. 283a. (1) The fee for the Degree shall be not less than two dollars and may be fixed on a scale graded according to the age of the applicant at admission.

(2) There shall be no repayment or rebate to the applicant of the Degree fee, or any part thereof.

1. Fixing a minimum initiation fee leaves to the Council the discretion to make such laws regarding the fee above that minimum as may seem best adapted to the particular locality where it is situated, and to the character and peculiarities of the population from which its members are to come.—[Adopted report, Pro. 1891, p. 211.

2. Councils may be fined and dissolved by Grand Regent, for rebate of fees.—Appeals, Progress and Ivy Leaf Councils, N. Y., Pro. 1898.

3. A Council cannot provide by By-Law that the Degree fee shall be a certain amount except to applicants of a particular competition, such as ministers of the Gospel, and shall be a different amount for the latter.—[Decision, Pro. 1898, pp. 11, 217.

4. For rebating to newly initiated members the whole or part of initiatory fee, a Council was, after trial, ordered dissolved by the Grand Regent. Upon appeal, the Supreme Regent ratified the action of the G. R. The Supreme Council ratified the decision of the S. R.—[Appeal, Ivy Leaf Council, No. 188, v. G. R. N. Y., Pro. 1898, pp. 11, 211, 212.

5. A member procured thirty applicants for his Council, and paid the Degree fees from his private funds. A sister Council objected to such payment. Upon appeal, held, that the member could make such payment, no question being raised as to the good faith of the transaction.—[Appeal, Compton Hill Council, No. 68, v. G. R. Mo., Pro. 1897, p.

Rights after Degree Conferred.

Sec. 284. Every member who has been legally admitted to a Council shall be entitled, so long as he remains in good standing, to all the benefits and privileges of membership in the Order from, and not before, the moment he receives the Degree, as prescribed or authorized by the Supreme Council, excepting as elsewhere in the Constitutions and Laws otherwise provided.

1. A member suspended for any cause is debarred from the enjoyment of all privileges of the Order until reinstated.—[Decision, Pro. 1898, pp. 11, 217.

Illegal Admissions.

Sec. 285a. (1) If it appears that at the time of conferring the Degree an applicant was over fifty-five or under eighteen years of age, or was engaged in a prescribed occupation, his initiation shall

be null and void, and no Benefit Certificate shall be issued to him; and in case such certificate has been issued to him before his ineligibility is discovered, the same shall be null and void, and neither such initiation nor Benefit Certificate shall confer upon him any rights or privileges in the Order. All moneys paid by him, except the fees for medical examination and supervision, shall be returned to him by the Council. In case of his giving receipt for the fees so returned, and shall surrender said Benefit Certificate, the same shall be forwarded by the Council to and filed by the Supreme Secretary.

(2) In cases of illegal admission of an applicant, and the mistake is discovered after he reaches twenty-one years of age, he may sign an agreement of warranty, confirming the statements, agreements and warranties in his application, medical examination, obligation, and initiation, and his membership may be continued if the Supreme Regent shall approve thereof; but this permission shall not operate to validate his Benefit Certificate or to confer upon him any privileges of membership before such approval.

Suspended during Epidemic.

Sec. 294. Whenever any pestilence or epidemic disease shall prevail or shall be threatened in any district where a Council of the Order is established, the Supreme Regent shall, immediately upon being notified thereof, or in any manner acquiring knowledge of the same, suspend the initiation of new members into said Council during the continuance of said pestilence or epidemic; the territory to be proscribed, and the period of the suspension aforesaid, to be defined by the Supreme Regent, upon the advice of the Medical Examiner-in-Chief.

CHAPTER V.

Disposition of Fees Accompanying Applications.

How Fees are Disposed of.

Sec. 295. The fees accompanying each application shall be disposed of as follows:—

(1) The fees for the medical examination and supervision, unless the By-Laws provide that the applicant may pay the same to the Medical Examiner, shall be paid to the Secretary, who shall make a record of such payment, and pay the same to the Medical Examiner, or, if the applicant is declared ineligible upon the report of the Investigating Committee, to the member who proposed the applicant.

(Paragraphs 1 and 2 repealed May 28, 1908, to take effect Aug. 1, 1908.)

CHAPTER VI.

Applications from Other Jurisdictions.

Consent Required.—Penalties.

Sec. 296. (1) An applicant residing within the jurisdiction of a Grand Council, or within the jurisdiction of the Supreme Council, cannot be admitted to a Council in another Grand Jurisdiction, or, if residing in a Grand Jurisdiction, to a Council in the Supreme Council Jurisdiction, or, if residing in a State in Supreme Council Jurisdiction, to a Council in another State in same jurisdiction, without the consent of the Supreme Regent or Grand Regent of the jurisdiction in which he resides; nor shall action be had upon an application before such consent is received, excepting making the request therefor.

(3) A statement of the reasons for the application shall accompany the request to the Supreme or Grand Regent, and he shall, before granting the same, make careful investigation of such reasons.

(3) If he consents to the initiation, he shall give such consent in writing, under seal of the Supreme or Grand Council, attested by the Supreme or Grand Secretary, who shall make a record of such action.

(4) Such consent shall be attached to the application and become a part thereof, and forwarded with it to the Medical Examiner and Supervising Examiner, and, if the applicant is initiated, to the Supreme Secretary.

Disposition of Fees.

Sec. **207.** In case the consent of the Supreme or Grand Regent is refused or not requested, the fees accompanying the application shall be returned.

TITLE II.

BENEFIT CERTIFICATES AND BENEFICIARIES.

CHAPTER I.

Procuring and Acceptance of Benefit Certificates.

Applications Sent to Supreme Secretary.

Sec. **220.** (1) Each Council shall, by its Secretary, forward, in sealed envelopes, to the Supreme Secretary the applications of all applicants, legally admitted to membership, immediately after their initiation.

(2) When an application for original membership is lost before issue of Benefit Certificate or an application for reinstatement is lost, the Supreme Secretary shall require a replacement of the application, medical examination and obligation, with applicant's answers to all questions, with signatures of applicant and indorsement of Secretary and Collector thereon, as upon the original, and the indorsement thereon by the Medical Examiner and Supervising Examiner, that the application and examination had been duly recommended and approved and the same duly certified upon such original.

Issue of Certificates.

Sec. **220a.** No Benefit Certificate shall be issued by the Supreme Secretary until he is satisfied that all the laws, rules and regulations of the Order have been complied with. All cases in which such compliance does not, in his judgment, exist, and there is refusal, neglect or inability to make such compliance, shall be referred to the Supreme Regent, whose decision and order thereupon shall be final.

Member to Sign and Accept Benefit Certificate.

Sec. **221.** Upon receipt of the Benefit Certificate, the member must sign the same in acceptance thereof, in the presence of either the Regent or the Secretary of his Council.

1. Members are recommended to retain their Benefit Certificates in their own possession, inasmuch as the custody of the certificate by the beneficiary is not essential to his or her rights thereunder.—[Accepted report, Pro. 1904, p. 33].

If Member Absent.

Sec. **222.** If a member is absent from the jurisdiction of his Council, the Secretary shall forward his Benefit Certificate to him

by mail, or otherwise, with instructions that the member acknowledge receiving and signing the same, and return such acknowledgment without delay to the Secretary of his Council. Such acknowledgment shall then be entered upon the records of the Council.

CHAPTER II.

Designation of Beneficiaries.

Applicant must Designate.

SEC. 223. Each applicant shall enter upon his application the name or names, residence, and relationship or dependence of the person or persons of the classes in the next Section embraced, to whom he desires his benefit paid, and the same shall be entered in the Benefit Certificate according to said direction.

1. The power to designate his beneficiary cannot be delegated by a member to his wife. Until the designation is made in accordance with the laws and requirements of the Order, no person can be recognized as a beneficiary, and no certificate can issue.—[Adopted Report, Spooner Case, Pro. 1885, p. 209.

Who may be Designated.

SEC. 224. A benefit may be made payable to any one or more persons of any of the following classes only:—

Class First.

Grade 1st. Member's wife.
" 2d. Member's children, and children of deceased children, and member's children by legal adoption.
" 3d. Member's grandchildren.
" 4th. Member's parents, and member's parents by legal adoption.
" 5th. Member's brothers and sisters of the whole blood.
" 6th. Member's brothers and sisters of the half-blood.
" 7th. Member's grandparents.
" 8th. Member's nieces and nephews (children of brothers and sisters of the whole blood).
" 9th. Member's nieces and nephews (children of brothers and sisters of the half blood).
" 10th. Member's cousins in the first degree.
" 11th. Member's aunts.
" 12th. Member's uncles.
" 13th. Member's relatives, other than those named in the precedent grades, who might be distributees of the personal estate of such member upon his death intestate.
" 14th. Member's father-in-law.
" 15th. Member's mother-in-law.
" 16th. Member's son-in-law.
" 17th. Member's daughter-in-law.
" 18th. Member's step-father.
" 19th. Member's step-mother.
" 20th. Member's step-children.

In either of which cases no proof of dependency of the beneficiary designated shall be required; but in cases of adoption, proof of the legal adoption of the child or the parent designated as the beneficiary, satisfactory to the Supreme Secretary, must be furnished before the Benefit Certificate can be issued.

(1) To an affianced wife, or to any person who is dependent upon the member for maintenance (food, clothing, lodging, or education); in either of which cases written evidence of the affianced relation or dependency, within the requirement of the Laws of the Order, must be furnished to the satisfaction of the Supreme Secretary before the Benefit Certificate can be issued.

(2) Neither the decision of the Supreme Secretary, nor the issuance of a Benefit Certificate shall be conclusive as to the fact of the affianced relation or dependency.

(3) If such satisfactory evidence, either of the affianced relation, dependency, or of legal adoption is not furnished, as hereinbefore provided, prior to the decease of the member, no benefit shall be paid unless such evidence is furnished to the satisfaction of the Supreme Secretary and Examiner of Claims.

(4) A certificate may be made payable to a bank or other corporation in trust for the beneficiaries; or to a person, who may receive the proceeds for the benefit of the beneficiary or beneficiaries within the classes designated by the Laws of the Order. The name and relationship of the beneficiary must be specified in all such cases. In the event of the death of a designated trustee, or if the whereabouts of said trustee is unknown, and such person does not notify in writing the Supreme Secretary, of his address and residence within six consecutive months next after the death of the member, or such trustee declines the trust, even if the member designated two or more persons as trustees, and no direction otherwise is made by the member, in accordance with the Laws of the Order, the trust shall thereupon terminate and the benefit shall be paid to the beneficiaries for whom the member directed the benefit to be held in trust.

Benefit Designate by Will.

Sec. 2295. No entry shall be made in any application or Benefit Certificate, or otherwise, permitting the designation by, or ascertainment by reference to, any will, of the person or persons, trustee or beneficiaries to whom any benefit shall be payable or the amount or share of any beneficiary. No will shall be permitted to control the appointment or distribution of, or rights of any person to, any benefits payable by this Order.

Benefit Secure Creditors.

Sec. 2296. A Benefit Certificate shall not be made payable to a creditor, nor to a person not a wife or relative, upon whom the member is dependent for maintenance, nor be held or assigned, in whole or in part, to secure or pay any debt which may be owing by the member or any other person.

Assignment of Benefit Certificate Void.

Sec. 2297. Any assignment of a Benefit Certificate by a member or a beneficiary shall be void.

Foreign Beneficiaries.

Sec. 2298. No benefit shall be made payable to any person or persons permanently residing outside the limits of the United States or Dominion of Canada, excepting to a person or persons permanently residing in territory owned by, or under the governmental control of, the United States of America.

CHAPTER III.

Failure of Designation, and the Death of Beneficiaries.

Dependency must Exist at Death.

Sec. **329.** No benefit shall be payable to a person or persons of Class Second, mentioned in Sec. No. 324, unless the dependency therein required to be shown exists at the time of the member's death; in which case proof of such dependency at the member's death shall be furnished in writing to the satisfaction of the Examiner of Claims, whose decision thereon shall be final and conclusive upon all parties in interest, before payment of the benefit shall be made.

If Designation Fails.

Sec. **330.** If at the time of the death of a member, who has designated as beneficiary a person of Class Second, the dependency required by the Laws of the Order shall have ceased, or shall be found not to have existed, or if the designated beneficiary is his wife, and they shall be divorced upon the application of either party, or if any designation shall fail for illegality, death of beneficiary, or otherwise, then the benefit shall be payable to the person or persons mentioned in Class First, Section No. 324, if living, in the shares and order of precedence by grades as therein enumerated, the persons living of each precedent grade taking, in equal shares per capita, to the exclusion of all persons living of subsequently enumerated grades; except that in the distribution among persons of Grade 2d the children of deceased children shall take by representation the share the parent would have received if living; and except that in the distribution among persons of Grade 13th, only those who are next in kinship to the deceased member shall take. If no one of said Class First shall be living at the death of the member, the benefit shall revert to the Widows and Orphans' Benefit Fund.

Death of One or More Beneficiaries.

Sec. **331.** In the event of the death, before the decease of a member, of one or more of the beneficiaries, designated by him in accordance with the Laws of the Order, if he shall have made no other or further disposition thereof, as provided in the Laws of the Order, upon his death that part of the benefit made payable to the deceased beneficiary or beneficiaries shall be paid to the surviving beneficiary or the surviving beneficiaries, equally. The foregoing rule and direction shall apply also in the event of the death of the person to whom the benefit is payable in trust for, or for the benefit of, herself or himself and others, and also if such person is the member's wife and they shall be divorced.

Death of all Beneficiaries.

Sec. **332.** In the event of the death of all the beneficiaries designated by the member in accordance with the Laws of the Order, before the decease of such member, if he shall have made no other or further disposition thereof, as provided in the Laws of the Order, the benefit shall be disposed of as provided in Section No. 330; excepting that if in such event the member shall leave him surviving his wife and a minor child or children of a marriage prior to that with such wife, the benefit shall be payable as follows:—One-third thereof to such wife, and two-thirds thereof to all the minor children of said member, equally.

Felonious Act of Beneficiary.

SEC. 232a. In the event of the death of the member by the felonious act of a beneficiary of such member, the benefit shall not vest in such beneficiary, but shall be disposed of to the extent of such beneficiary's interest therein as provided in Section 230.

CHAPTER IV.

Change of Beneficiary.

How Changed.

SEC. 233. A member may, at any time, when in good standing, pay a fee of fifty cents, make a written surrender of his Benefit Certificate, and direct that a new certificate be issued to him, payable to such beneficiary or beneficiaries as such member may designate, in accordance with the Laws of the Order.

1. The provisions which permit a member to change his beneficiary, as and whenever he may so determine, are wise and fair. In very few cases would the Council be in position to know sufficiently of his home affairs to understand his relation to those dependent, or their relative claims upon him, to act intelligently either in approving or disapproving any change in beneficiary.—[Adopted report, Pro. 1904, pp. 261-2.

2. Neither the opinion of the Council nor its vote can deprive a member of the right to change his beneficiary, even when the Council has preliminary information charging him with maltreating and abandoning his wife, and with intoxication.—[Decision, Pro. 1896, pp. 311-2.

Surrender Forwarded.

SEC. 234. The written surrender and direction for change of beneficiary must be forwarded, under seal of the Council, with the Benefit Certificate and fee of fifty cents, to the Supreme Secretary, who shall issue a new Certificate in accordance with the direction of the member, if the direction is in accordance with the Laws of the Order, and if all other conditions have been complied with.

Parole Evidence Disregarded.

SEC. 235. Parole evidence of a member's intention or desire to change his beneficiary must be disregarded.

If Benefit Certificate Lost or Beyond Control.

SEC. 236. In case a Benefit Certificate is lost or beyond a member's control, the member may, in writing, surrender all claim thereto, and direct that a new Certificate be issued to him, payable to the same or a new beneficiary or beneficiaries, in accordance with the Laws of the Order, and be entitled to such new Certificate if, but not until, he shall furnish proof of the facts in the case by an affidavit or otherwise to, and to the complete satisfaction of, the Supreme Secretary, and shall pay the required fee of fifty cents.

When Change Takes Effect.

SEC. 237. The change of beneficiary, if the new beneficiary is a person who would be a legal beneficiary, shall take effect upon the delivery of the Benefit Certificate, the written surrender and direction for change, as provided in the Laws of the Order, and in case the Certificate is lost or beyond the control of the member the proof thereof, and the payment of the fee of fifty cents, to the Regent, Secretary, Collector or Treasurer of the Council to which the member belongs. If the person designated as a beneficiary by the member in attempting a change of beneficiaries is not a legal beneficiary, and he subsequently corrects his mistake by designating a person who would be such, the change of beneficiaries shall take effect upon the delivery of the Benefit Certificate, the written surrender thereof and

direction for the change to such new legal beneficiary and payment to either of said officers of the fee of fifty cents, and in case the certificate is lost or beyond the member's control, the proof thereof and the payment of the fee of fifty cents to the Supreme Secretary.

Old Benefit Certificate Cancelled by New.

SEC. 338. The issuing of a new Benefit Certificate, in accordance with the Laws of the Order, shall cancel and render null and void any and all previous certificates issued to a member, but this provision shall not limit or affect any other Law of the Order rendering null and void such previous certificate, nor shall such issuance be a necessary condition precedent to such cancellation.

TITLE III.

MEDICAL EXAMINATION AND SUPERVISION.

CHAPTER I.

Supervising Medical Examiners and Their Duties.

Appointment of.

SEC. 350. (1) As soon as practicable, after his installation, the Supreme Regent shall appoint a Medical Examiner-in-Chief, and a State Medical Examiner for each Grand Council Jurisdiction; except that whenever a jurisdiction shall have a membership of more than forty thousand, he may sub-divide the State into two districts and appoint a State Medical Examiner for each district.

(2) He may also, from time to time, appoint a State Medical Examiner for any State or Province having no Grand Council, in which there are at least ten Councils.

(3) During the sickness or temporary absence of the Medical Examiner-in-Chief or a State Medical Examiner, his duties may be performed by such Supervising Medical Examiner as shall be designated by the Supreme Regent.

(4) The Supreme Regent is authorized to issue, whenever in his opinion necessary, such instructions to the Supervising Medical Examiners as may be needful to secure uniformity of action in the matter of approving or disapproving applications for membership.

(5) He may group two or more States or Provinces, in which there is no Grand Council, into one jurisdiction for the supervision of medical examinations, and appoint a State Medical Examiner therefor; or he may authorize the medical examinations in a State or Province where there is no Grand Council to be supervised by the State Medical Examiner of another jurisdiction.

1. The State of New York is divided into two districts. The Northern District includes the Counties of Rensselaer, Albany, Schoharie and Delaware, with all Counties north and west of them. The Southern District includes the residue of the State.—[Cir., Pro. 1907, p. 2].

Medical Examiner-in-Chief.—Duties.

SEC. 351. (1) The Medical Examiner-in-Chief shall promptly supervise all medical examinations, and such accompanying statements or certificates as may be referred to him from any State Medical Examiner, or any Medical Examiner not under the jurisdiction of a State Medical Examiner.

(2) All examinations from Medical Examiners, approved by him, shall be returned without delay to the Secretary of the Council, with his approval endorsed thereon.

(3) All rejected examinations shall be filed in his office, and the Secretary of the Council promptly notified of the rejection.

(4) Whenever he shall defer immediate action upon an examination, he shall promptly notify the Secretary of the Council of the cause thereof.

(5) All examinations received from State Medical Examiners shall be returned to them with his decision endorsed thereon, to be by them forwarded to the Secretary of the Council.

(6) Whenever in his judgment the interest of the Order, or justice to an applicant, shall make it necessary, he may require an additional examination of an applicant, which shall be supervised and approved before his admission, and the fees for which shall be paid by the Supreme Council.

(7) He is authorized whenever in his judgment an applicant for a third or second amount certificate or for reinstatement is not acceptable for membership or for reinstatement, for the amount applied for, and he is of the opinion that it would be safe for the Order to accept or reinstate the applicant for or with a lower amount certificate, to approve the application for such lower amount, and upon such approval, provided the applicant consents to the reduction, and all other laws are complied with, a Benefit Certificate may be issued to him for such lower amount.

(8) He shall make investigation in case of a death occurring from a disease indicating carelessness or incompetence of the Medical Examiner, and report thereon to the Supreme Regent. Should it appear that such death was due to causes discoverable at the time of examination, the Supreme Regent shall remove such Examiner.

(9) His official decisions shall be final and conclusive upon all concerned.

1. The action of the Medical Examiner-in-Chief upon the rejection of an application cannot be reviewed, being final and conclusive on all concerned.—[Adopted report in Goodwin Case, Pro. 1892, pp. 277-8.

Make Annual Report.

Sec. 252. The Medical Examiner-in-Chief shall make an annual report to the Supreme Council for the preceding fiscal year.

State Medical Examiners.—Duties.

Sec. 253. (1) Each State Medical Examiner shall promptly supervise all medical examinations, and such accompanying statements or certificates as may be referred to him from any Medical Examiner in his jurisdiction, and return, without delay, to the Secretary, the examinations of all whom he considers acceptable, with his approval endorsed thereon.

(2) Every application of a member directed upon his application for admission or reinstatement applying for higher amount certificate he shall refer to the Medical Examiner-in-Chief.

(3) All doubtful cases he shall refer to the Medical Examiner-in-Chief for decision.

(4) All rejected examinations shall be endorsed with the reasons for such rejection and retained on file in his office, and the Secretary of the Council promptly notified of each rejection.

(5) Whenever he shall defer immediate action upon an examination he shall promptly notify the Secretary of the Council of the cause thereof.

(6) The Secretary, on receiving notice of rejection, shall promptly notify the Medical Examiner, who made the examination, of such rejection.

Causes of Rejection.

Sec. 253a. A Supervising Examiner is not required to communicate to the Council the causes of rejection of an applicant.

Previous Rejections.

Sec. 253b. When the application shows that an applicant has been previously rejected by another Supervising Examiner, of the same or another jurisdiction, or by any fraternal beneficiary society or life insurance company, the application shall be referred to the Medical Examiner-in-Chief.

Smallpox Waiver.

Sec. 253c. (1) Supervising Examiners shall not approve the application of anyone who has not been successfully vaccinated, or who is unable to show a satisfactory vaccination scar, until two or more attempts have been made to effect a successful vaccination by or under the observation of an Examiner of the Order. Applicants who have had smallpox or varioloid are exempt from this rule.

(2) An applicant who declines to be vaccinated may sign a smallpox waiver, as prescribed by the Supreme Council, and be approved without vaccination; otherwise he must be rejected. The waiver must be attached to and made a part of the medical examination.

(3) If a member who has executed a smallpox waiver is afterwards successfully vaccinated, he may procure a physician's certificate of such vaccination; if the same is approved by the Council and forwarded under seal to the Supreme Secretary, and is approved by the Medical Examiner-in-Chief, the waiver may be cancelled by the Supreme Secretary and certificate thereof furnished to such member.

Referred Applications.

Sec. 253d. All applications which, under the Laws of the Order, require reference to the Medical Examiner-in-Chief, may be rejected by a State Medical Examiner without such reference.

Member of Grand Council.

Sec. 254. The State Medical Examiner shall be ex-officio a member of the Grand Council of the jurisdiction for which he is appointed, but shall not be entitled to vote, unless the Grand Council shall give him that right. He shall make annually a report in writing to his Grand Council.

Advise and Report to Supreme Regent.

Sec. 255. The Medical Examiner-in-Chief and State Medical Examiners shall keep themselves apprised of the professional standing and qualifications of all Medical Examiners in their respective jurisdictions, and advise the Supreme Regent in regard to removals of Medical Examiners, and such other matters as may be brought to their attention. They shall make monthly reports to the Supreme Regent.

Term of Office and Removal.

Sec. 256. The Medical Examiner-in-Chief and all State Medical Examiners shall hold office for one year, or until their successors are appointed; provided, that the Supreme Regent may at any time, for cause satisfactory to him, remove the Medical Examiner-in-Chief, or any State Medical Examiner, and appoint another in his stead.

Return of Medical Examinations for New Council.

Sec. 257. The Supervising Examiner shall return to the Medical Examiner the approved examinations of the petitioners for a Charter, who shall immediately notify the Instituting Officer thereof.

CHAPTER II.

Medical Examiners and Their Duties.

Appointment of.

SEC. **358.** The Supreme Regent shall, from time to time, commission suitable persons to be Medical Examiners.

Qualifications of.

SEC. **359.** (1) Medical Examiners shall be graduates of reputable medical colleges, practising physicians in good standing, and, if possible, members of the Order.

(2) A physician disqualified for membership may be authorized by the Supreme Regent to make examinations.

(3) Men of experience in medical practice shall be appointed as Examiners rather than recent graduates from the schools.

1. A physician may devote a portion of his time to dental surgery and still be a qualified Examiner; yet if his business is principally practice in dentistry or dental surgery, and only occasionally or casually that of a physician, he is not a "practising physician" within the intent of our law.—[Decision, Pro. 1895, pp. 253, 254, 255.

2. A physician who does not practice his profession for the purpose of making a livelihood, but who is in regular standing in the profession, and does practice it among a large circle of relatives and friends, is eligible to be an Examiner of the Order.—[Dispensation No. 60, Pro. 1893, pp. 44, 189, 190, 196, 199.

Removal of.

SEC. **360.** Any Medical Examiner may be removed by the Supreme Regent for cause satisfactory to him.

1. The power of removal is one of exclusive discretion, not reviewable by the Supreme Council, and no reasons can be required to be furnished for such action by the Supreme Regent.—[Adopted report, Schweig case, Pro. 1898, p. 239.

Duties of.

SEC. **361.** The Medical Examiner shall carefully examine all applicants for membership, in accordance with the form prescribed by the Supreme Council. He shall examine no applicant unless a favorable report of the Investigating Committee accompanies the application. He shall comply strictly with the instructions to Medical Examiners, answer fully each and every question on the prescribed form, and forward all examinations made by him, with his decision endorsed thereon, together with the required fees, to the proper Supervising Medical Examiner.

Determination of Eligibility.

SEC. **361a.** In the determination of the eligibility of an applicant as to soundness of his health, and in all medical examinations of applicants or members and the supervision of such examinations, the Instructions to Supervising and Subordinate Medical Examiners, the Special Instructions to State Medical Examiners and the Rules Governing the Commissioning of Medical Examiners established by the Supreme Council, and printed in the Code of Laws, shall apply and control as fully and conclusively as though the same were incorporated in and made a part of the laws.

For New Councils.

SEC. **362.** In the institution of new Councils, in places where there is no Medical Examiner, the Instituting Officer may select a physician, cause him to be examined by a practising physician in good standing, and forward his examination and application for commission to proper Supervising Medical Examiner for approval. Upon being commissioned by the Supreme Regent, such physician

ay examine the petitioners for Charter, and shall forward the ex-
inations, with the required fees, to the proper Supervising Medical
xaminer for approval before the Council is instituted.

CHAPTER III.

Medical Examinations of Applicants, Supervision, and Fees.

gal Examination.

SEC. 263. (1) No examination for admission to membership or
instatement in the Order shall be legal unless made by a Medical
xaminer commissioned by the Supreme Regent, except by the
pecial permission of the Supreme Regent, for cause satisfactory to
im, or as otherwise provided by law.

(2) The Medical Examiner-in-Chief shall in no case examine an
pplicant.

(3) No examination shall be made by a State Medical Examiner,
xcept in an emergency, and such examination must be approved by
he Medical Examiner-in-Chief.

ust be Approved.

SEC. 264. No person shall become a member of, be reinstated in,
r entitled to any rights or privileges in the Order until his medical
xamination shall have been submitted to the proper Supervising
edical Examiner, and his approval endorsed thereon in his own
andwriting.

1. An examination for reinstatement must be approved by the Super-
ising Examiner for the State in which the Council is located.—[Dis-
pensation, Pro. 1921, pp. 15, 18, 19, 122.

2. In all cases of application for reinstatement or for change from
wer to higher amount certificate, the Supervising Examiners are di-
cted to compare the same with the original examination and applica-
on. For this purpose a request for a copy of the original should be made
the Supreme Secretary, giving name of applicant in full, the Council
om which he was suspended, or to which he belongs, and the number of
s Benefit Certificate, if it appears upon the application.—[Official Cir-
ls, Pro. 1921, pp. 41, 127.)

Supervising Medical Examiner may Reverse Decision.

SEC. 265. (1) After the rejection of an examination, if such in-
rmation shall be furnished to the Supervising Medical Examiner
shall cause him to reverse his decision, and approve the examina-
on, the Council which received the application may admit the ap-
licant to membership within six months from the declaration of
jection.

(2) If the reversal of decision occur within sixty days from the
te of the examination, a new examination need not be required
d the applicant may be admitted upon the original application and
amination.

(3) If the reversal of decision occur more than sixty days from
e date of the examination, a new application and medical exami-
ation shall be made and forwarded to the Supervising Examiner.

(4) If the applicant is admitted, both application and medical ex-
mination papers shall be forwarded to the Supreme Secretary.

s for.

SEC. 266. (1) The fee of the Medical Examiner shall be at least
o dollars, and for the Supervising Medical Examiner fifty cents,
each examination, which fees must accompany the application,
d be paid to the Medical Examiner by the Secretary, or paid to the
edical Examiner by the applicant, at the time of the examination,
the Council to which the applicant applies shall in provide in its
-Laws.

(4) The fee of Medical Examiner may exceed two dollars by vote of the Council for which he makes examinations.

TITLE IV.

MEMBERS—THEIR DUTIES, RIGHTS, AND RESPONSIBILITIES—SUPREME COUNCIL DUES—QUARTERLY DUES—FINES, SICK BENEFITS, REINSTATEMENT—MEMBERS OF DISSOLVED COUNCILS.

CHAPTER I.

Dues.

Supreme Council Dues.

SEC. 388. (1) Each member of the Order in good standing shall pay as dues to the Supreme Council the sum of eighty cents per annum if in a Grand Council Jurisdiction, and one dollar per annum if in the Supreme Council Jurisdiction. Such dues shall be known as the Supreme Council Dues, and shall be payable in equal semi-annual instalments, payable on the thirtieth day of June and thirty-first day of December in each year; provided, however, that a member who becomes suspended for the non-payment of an assessment payable on the last day of June or December, shall not be required to pay the Supreme Council Dues otherwise payable on said dates.

(2) Each member shall pay such dues on or before ten o'clock P. M. of the day the same are payable, as above provided, and any member failing to pay a semi-annual instalment of such dues, as above required, shall stand suspended from the Order and all benefits therefrom.

(3) All provisions of law relating to the collecting and forwarding of assessments and receipts therefor, the notification and announcement of suspension for non-payment thereof, payment thereof by the Council as a loan or gift from its General Fund, and reinstatement for non-payment of an assessment, shall be and the same are hereby made applicable to the Supreme Council Dues; provided, that the time for remittance thereof by the Council to the Supreme Treasurer shall expire at ten o'clock in the afternoon of the thirty-first day of January and July of each year. Provided also, that in case a member dies during the six months' period ending on the thirtieth of June or the thirty-first of December his liability for the payment of such dues for that period shall thereupon terminate.

(4) The payment of the foregoing Supreme Council Dues shall include the regular subscription price of each member to the Official Bulletin and entitle him to receive monthly a copy thereof.

Additional Payments.

SEC. 389. In addition to the Supreme Council Dues, and chargeable and payable on the thirty-first day of December in each year each member of the Order, in any State or Province in which by public authority a tax is levied upon the assessments paid by members therein, or any requirement imposed necessitating a special expense applicable to only the members therein, shall be required to pay his proportionate amount of such tax, and such other expenses paid during the year ending on the thirty-first day of said December, and if the same is not paid by a member on or before the thirty-first day of January next succeeding, he shall stand suspended from the Order and all benefits therefrom. The provisions of law relative to the collecting of assessments, notification and announcement of suspension for non-payment thereof, payment thereof by the Council, and reinstatement for non-payment thereof, shall be and the same are hereby made applicable to the said proportionate amount of said tax and expense.

Quarterly Dues.

Sec. 270. (1) Each member of the Order shall pay to his Council, as dues, at least fifty cents per quarter, and such additional sums as shall be prescribed by resolution or in the By-Laws, which shall be due and payable quarterly, in advance, on the last days of March, June, September, and December, respectively.

(2) Quarterly Dues can be paid in advance for six months.

(3) No part of the Quarterly Dues shall be refunded, rebated except as hereinafter provided, or remitted to a member directly or indirectly.

(4) A member taking a Withdrawal Card in one quarter, paying dues in advance for the ensuing quarter, and joining another Council in such quarter, cannot be required to pay dues to his new Council therefor, nor can his old Council be required to pay his new Council a proportionate part of such dues.

Rebate of Dues.

Sec. 270a. A Council may provide in its By-Laws for a rebate of a portion, to be therein specified, of a member's dues for attendance at its stated meetings; provided, that the reduction thereby made shall not reduce the amount of his dues below fifty cents per quarter.

When in Arrears.

Sec. 271. Any member who shall not have paid his dues to his Council on or before the first regular meeting of the quarter, or shall be indebted to his Council for dues or assessments advanced for him as a loan, whether such indebtedness be in written form or otherwise, shall be deemed in arrears, and shall not be entitled to vote, hold office, receive sick benefits, or to a voice on the floor of his Council.

1. A member should not be deemed to be in arrears for the payment of quarterly dues until after the close of the first regular meeting in the quarter.—[Decision Pres. 1888, pp. 87, 42].

How Suspended.

Sec. 272. (1) If a member's dues for a quarter are not paid on or before the last stated meeting in that quarter, the fact that such member is in arrears shall be announced by the Collector in open Council at said meeting. If the Collector fails to make such announcement at the last stated meeting of the quarter, he shall make the announcement at the next or a subsequent stated meeting.

(2) If the dues are not paid on or before the next stated meeting after such announcement, the Collector shall report the fact to the Regent, who shall declare such members suspended on and after said date from all benefits and privileges of the Order.

CHAPTER II.

Fines.

Amount for.

Sec. 273. Any member who shall not have paid, at or before the next stated meeting of his Council, any fine legally charged against him by his Council or by authority thereof, shall be deemed in arrears for fines, and shall not be entitled to vote, hold office, or receive sick benefits.

How Fine Imposed.

Sec. 274. No fine shall be imposed by a Subordinate Council excepting under and by virtue of a By-Law which has been submitted to and approved by the Committee on Laws of the Supreme Council, excepting in case of a fine fixed as a penalty after trial.

CHAPTER III.

Sundry Rights of Members.

May Correct Mistake in Age.

SEC. 275. If a member has made a mistake in giving his age a
the time of admission, he shall make a written request to his Coun
all to have such mistake corrected, and shall attach to such reques
as affidavit of the facts upon which the same is based. The Regen
of the Council, upon receipt of such request and the affidavit upo
which it is based, shall appoint a Special Committee of three mem
bers, who shall investigate the matter and report in writing the re
sult of their investigation to the Council, and, if the Council is satis
fied that a mistake was made and that no fraud was intended, it may
recommend that the age and assessment of the member be correcte
The written request of the member, the affidavit upon which it
based, and a copy of the records of the Council relating to the can
shall be transmitted, under the seal of the Council, to the Supreme
Secretary, who shall, if he is satisfied that the proof is sufficient
make the correction in accordance with the facts; but, should the Su
preme Secretary deem the proof insufficient, he may call for such
other and further proof as he may deem necessary to establish the
fact that a mistake was made. If the member reported his age a
admission younger than he was, he shall pay to the Collector the
difference between what he has paid and the amount due for his co
rect age on all assessments called subsequent to his admission. Sai
sums must be immediately forwarded to the Supreme Treasurer
additional on said assessments, and notice thereof sent to the Su
preme Secretary. If he reported his age older than he was at the
time of admission, he shall not be entitled to have anything refunde
from the Widows and Orphans' Benefit Fund for the over-payment
but shall be assessed at his correct age from and after the date
the receipt by the Council of his notice of error, provided that th
member shall not have been ineligible on account of age at the tim
of admission.

In Prescribed Territory and Foreign Countries.

SEC. 276. A member in good standing may move to and becom
a permanent resident in the prescribed territory or a foreign countr
without forfeiture of his rights; and if he becomes suspended whi
so residing, he is eligible for reinstatement, as provided by the Law
of the Order, if otherwise qualified.

CHAPTER IV.

Relief of Sick and Disabled Members.

Sick Benefits.

SEC. 277. A Council may pay to a member in good standing, w
is not in arrears for dues or fines, and who is not indebted to t
Council for assessments previously paid for him, or the fees f
such payment, and who has received the Degree six months prev
ously thereto, who may become totally disabled by sickness or oth
disability from following his usual business or some other occup
tion, if such sickness or disability continues for more than one wee
such sick benefits as it may prescribe, and under such restrictio
as it may impose, in its By-Laws, provided that such sickness or d
ability has not originated from intemperance, vicious or immo
conduct.

1. A Council can properly consider the continuance of a month
salary as evidence, not proof, that he is still rendering services for
employer. If his disability is total, the fact that he receives his sal

cannot deprive him of his sick benefits, if the disability is partial, his loss of salary thereby caused not entitle him to such benefits.—[Appeal in Weddel Case, in Union, Dec. 31, Pro. 1894, pp. 44, 45.

3. The fact that an agent carries on the business of a brother who is totally disabled does not relieve the Council of the Fraternity to the brother for sick benefits.—[Decision, Pro. 1898, pp. 32, 33, 34.

4. A member could not follow his usual occupation by reason of an injury to his eyes, but superintended the building of his new house. If such superintendence was so extensive that it amounted to "some other occupation," the Council was not bound to pay his sick benefits. If the superintendence did not amount to "some other occupation" the Council was bound to pay.—[Decision, Pro. 1898, pp. 32, 33, 34.

4. The fact that a member, while totally disabled continues to draw his salary from his employer, does not relieve the Council of the obligation to pay him sick benefits.—[Decision, Pro. 1898, pp. 32, 33, 34.

5. Any plan for the accumulation of a sick benefit fund and paying sick benefits which does not conform to the requirements of our Laws, must be an individual enterprise, and must stand upon the obligations of those who voluntarily associate under such plan, distinct from their obligation as members of the Royal Arcanum.—[Decision, Pro. 1898, pp. 32, 33.

6. A By-Law provided that "in no case shall (sick) benefits be paid for more than two weeks unless written notice shall have been filed with Regent, Secretary, or Collector." A member was ill from April 15 to June 15, and gave notice to the Council on Aug. 20. The Council decided that he was entitled to only two weeks' benefit. Upon appeal the decision of the Council was sustained.—[Appeal Whitehurst v. C. R. of Va., Pro. 1898, pp. 330-1.

7. A Council having no By-Law providing for sick benefits, as required by Sec. 277, cannot by special vote pay sick benefits of so much per week, or assessments and dues until otherwise ordered.—[Decision, Pro. 1898.

8. A Council cannot take any action for the permanent payment of sick benefits until it has adopted a By-Law; although it may vote relief under Sec. 246.—[Decision, Pro. 1898.

No Death or Funeral Benefit.

Sec. 278. A Council shall not pay from its funds, under a standing rule or By-Law, upon the death of a member, to his beneficiary or other person, a benefit in the nature of a death or funeral benefit.

If Member in Arrears.

Sec. 279. Any member who may be taken sick or become totally disabled while in arrears to his Council for dues or fines, cannot, by paying the same, become beneficial, nor receive benefit, during such sickness or disability.

If under Charges.

Sec. 280. A member shall not be entitled to sick benefits if he becomes sick or disabled while under charges, under the penal provisions of the Laws.

If Member Absent, Furnish Proof.

Sec. 281. A member may be required by By-Law to furnish proof of sickness or disability in case of absence from the immediate jurisdiction of his Council, and in default of such proof may be deprived of the right to all sick benefits during such sickness or disability.

Must Attend Sick Members.

Sec. 282. Each member shall be subject to the orders of the Regent of his Council, in attending to its sick or disabled members.

CHAPTER V.

Reinstatement of Suspended Members.

Application for.

Sec. 284. A member of the Order who has been suspended for non-payment of an assessment, dues or fine, or for engaging in a

prescribed occupation, and is not then so engaged, wishing to be re
instated, must make written application to and at a stated or specia
meeting of a Council in good standing, and upon a blank issued b
the Supreme Council, in substantially the following form:

ROYAL ARCANUM, ———, 19—

To the Officers and Members of ———— *Council, No.—, R. A.:*

The undersigned, now under suspension, formerly a member o
————Council, No———, hereby makes application for re
instatement in accordance with the Laws of the Order. I hereb
bind myself, my family, my relatives and those dependent upon m
to the terms of the agreement made in my original application an
obligation.

My present occupation is————.

Recommended by

————

Applicant's Signature in full.

————

SEC. 284a. A member of the Order who has been suspended f
engaging in a prescribed occupation, and is not under suspension f
any other cause, wishing to be reinstated, must make written appl
cation to, and at a stated or special meeting of a Council in goo
standing, and upon a blank issued by the Supreme Council, in su
stantially the following form:

ROYAL ARCANUM, ———, 19—

To the Officers and Members of ———— *Council, No.—, R. A.:*

The undersigned, formerly a member of————Council, No.—
and now under suspension for engaging in a prescribed occupatio
hereby makes application for reinstatement, in accordance with t
Laws of the Order. I hereby bind myself, my beneficiary, my famil
my relatives, and those dependent upon me, to the terms of the agre
ment made in my original application and obligation. My prese
occupation is————. My present address is————.

Recommended by

————

Applicant's Signature in full

————

Conditions Required.

SEC. 285. An applicant for reinstatement, under suspension
non-payment of assessment, dues, or fine, must be recommended
two members in good standing. He must pay the full amount
was in arrears for dues, fines, all assessments advanced for him
his Council, the assessment for non-payment of which he was s
pended, and all other assessments for which he was liable, and
assessment for the current month at the rate required after his
instatement; which amounts shall accompany his application for
instatement.

SEC. 285a. An applicant for reinstatement, under suspension
engaging in a prescribed occupation, must be recommended by
members in good standing. He must pay the assessment for
month in which the suspension occurred if not already paid,
the assessment for the current month at the rate required after
reinstatement, and sign a Prescribed Occupation Waiver in the fo
prescribed by the Supreme Council; which amounts and waiver sh
accompany his application for reinstatement.

New Medical Examination.

Sec. 386. An applicant for reinstatement shall, at his own expense, furnish the Council with a certificate, of the form prescribed for applicants for original membership, from a Medical Examiner of the Order, or a qualified physician authorized by the Supreme Regent, as to his health and fitness for membership, which certificate must be approved by the Supervising Medical Examiner, the same as upon original application, excepting that the medical examination may be made before the application is presented to the Council.

Rate of Assessment.

Sec. 387. (1) If a member, under sixty-five years of age, has been suspended for more than three consecutive months, he shall pay assessments for the current month and after his reinstatement at the rate fixed for the age he has attained at the date of his reinstatement.

(2) If he is reinstated within three months from the date of his suspension, he shall pay assessments at the rate he was paying at the time of his suspension.

(3) The Supreme Regent is authorized, if he shall find upon investigation that the member duly and promptly made application for reinstatement within the time fixed, and was without fault in the matter of the lapse of such time, to direct reinstatement at the rate last above specified.

Over Sixty-five Years.

Sec. 388. If an applicant for reinstatement has passed the age of sixty-five years, and has been suspended for more than three consecutive months for non-payment of dues, dues, or assessment, he cannot be reinstated. The Supreme Regent is authorized, if he shall find after investigation that application for reinstatement was duly and promptly made within the said three months, and that the applicant was without fault in the matter of lapse of time, to direct reinstatement.

1. A suspended member making informal application for reinstatement, and the delay thereby causing the three months from date of his suspension to elapse without reinstatement, cannot thereafter, if ineligible, be reinstated. A reinstatement under such circumstance is void.—(Decision, Orr Case, Pro. 1895, pp. 230, 231.

Ballot on Reinstatement.

Sec. 389. The foregoing conditions for reinstatement being complied with, a ballot shall be ordered by the Regent, at a stated meeting, the same as upon original application. If a majority of the ballots cast are favorable, the applicant shall be declared reinstated, and the money accompanying his application shall be paid to the Collector.

If Rejected.

Sec. 390. If less than a majority of the ballots cast upon an application for reinstatement are favorable, the applicant shall be declared rejected, and the money accompanying his application shall be returned to him by the Secretary, and his application shall not again be presented or balloted upon within six months thereafter.

After Punishment by Suspension.

Sec. 391. A member punished by suspension for a definite period becomes in good standing when the period of suspension ceases, upon payment by him of the full amount he was in arrears for dues or fines at, all assessments called before the date of, and all dues which have accrued during the period of, his suspension. No application, medical examination, or ballot is required.

Reinstatement by Supreme Regent.

Sec. 293. A member suspended by reason of the neglect or mistake of the Collector, or the failure of a remittance for payment reasonably mailed to reach the Collector, may be ordered reinstated by the Supreme Regent, after proof, satisfactory to him, of such neglect or mistake or failure.

Notice of Reinstatement.

Sec. 294. The Secretary shall forward the application and medical examination of each reinstated member to the Supreme Secretary, certifying under seal the date of reinstatement, age, and amount of new assessment.

Notice of Rejection.

Sec. 295. The Secretary shall notify the Supreme Secretary of all rejected applications for reinstatement, giving the date and number of such rejection.

Old Benefit Certificate in Force.

Sec. 296. The Benefit Certificate of a member in force at the date of suspension shall again become valid at the time of his reinstatement, unless he shall in his application for reinstatement request a different amount certificate, or shall elect to pay assessment under a table of rates requiring a surrender of his Benefit Certificate or designate other beneficiary or beneficiaries than named in said Benefit Certificate, and surrender the same, and in case said Benefit Certificate cannot be surrendered, the provisions of law governing certificates lost or beyond a member's control shall be applicable.

Reinstatement in Another Council.

Sec. 296a. (1) If the application for reinstatement is presented to a Council other than that from which the applicant was suspended, the Council in which the application is presented shall at once notify the Supreme Secretary of the presentation thereof, and the Supreme Secretary shall at once communicate with the Council from which said member was suspended, and ascertain and determine the amount of the indebtedness due from the applicant to said Council, which amount shall be paid by the applicant before his reinstatement.

(2) A suspended member of a dissolved or defunct Council shall be required to pay only the assessments for which he was liable at the time of his suspension.

(3) If application for reinstatement is made to a Council other than that from which the applicant was suspended, the applicant must present himself at a stated meeting of the Council, and be obligated and instructed in the Secret Work in the Council Chamber, and his reinstatement shall date from such obligation and instruction.

Suspended Members-at-Large.

Sec. 296b. A member-at-large who becomes suspended may apply to, and be reinstated in any Council upon the conditions prescribed in laws governing reinstatement, or he may be admitted as a Charter member of a new Council in the place where he resides.

CHAPTER VI.

Members of Dissolved Councils.

May Transfer Membership.

Sec. 297. Members of any dissolved Council, who were in good standing at the time of dissolution, may be admitted into any other Council, after having applied to and received from the Supreme Se-

retary a card signed by him, under the seal of the Supreme Council. But such member shall not be considered in good standing unless all his assessments are paid within the required time to the Supreme Secretary, including any deficiency arising from neglect or failure of the officers of such dissolved Council to forward the assessments paid by such member and unless he shall continue to pay his assessments, as if connected with a Council, to the Supreme Secretary, upon notice of these requirements mailed to him at his last address appearing upon the books in the Supreme Secretary's office, and such member shall apply for such card within forty days from the date of the dissolution of the Council. The application for such card must be accompanied by the fee of one dollar. The card shall hold good for four months; at the expiration of which time, if the holder thereof has not made application for admission to some Council, his membership in the Order shall cease, and proper entry thereof shall be made upon the records of the Supreme Council by the Supreme Secretary.

How Admitted as New Member.

Sec. 397. Any member of a dissolved Council who shall neglect or fail to make application for a card within forty days from the date of dissolution, may be admitted to another Council as a new member, in accordance with the laws governing application for membership, without the ceremony of initiation; and a statement of the facts relating to his former membership in the dissolved Council, shall be submitted with and made a part of his application for such new membership.

May Become Member-at-Large.

Sec. 398. In the case of any Council becoming dissolved, any member of such Council who may be refused or rejected as a member from depositing his card in other Councils shall be preserved as a member-at-large receiving no sick benefits, but continuing to pay his assessments, as if regularly connected with a Council, to the Supreme Secretary, upon the proper notice from the said officer; and in the case of death, his beneficiary shall be entitled to the Widows and Orphans' Benefit Fund. Such member shall pay, as dues, to the Supreme Council, three dollars per year (in advance), and he shall receive from the Supreme Secretary a certificate or receipt authorizing the Regent of any Council to give him the password in force during the time for which his dues are paid. The Supreme Secretary shall keep a roll of all members-at-large and their standing in the Order.

Suspended Member of Dissolved Council.

Sec. 399. A suspended member, whose Council becomes dissolved after his suspension, may apply to and be reinstated in any Council, upon the conditions prescribed in the laws governing reinstatement, or he may be admitted to a new Council in the place where he resides, on the usual conditions for Charter members.

CHAPTER VII.

Disappearances.

Notice to Supreme Secretary of Disappearance.

Sec. 400. (1) An officer or member of a Council who has knowledge that a member has disappeared shall at once inform the Council thereof, and thereupon report of such disappearance shall be forwarded to the Supreme Secretary, together with the date as nearly as may be determined of the disappearance, the circumstances at-

sending the same, the last address or residence of the member given by him or appearing upon the Collector's books, and of the beneficiary or beneficiaries of such member.

Notice to Member.

(2) The Supreme Secretary shall immediately send by registered mail to such member, at his said address or residence, a copy of this Chapter of the General Laws, make a record of such sending, and mail notice thereof to the Secretary of the Council; provided, that no such action shall be taken thereon by the Supreme Secretary until the Examiner of Claims has, in writing, approved of the sending of such Chapter to such member.

Proceedings &c.

(3) A member who shall fail or neglect to furnish the Council, either by presenting himself in open Council, at a stated meeting, and then and there declaring the same, and having due record made of such declaration, or by a writing over his own signature delivered to the Supreme Secretary, his address, including both place of business, if any, and his residence, within six consecutive months after date of such mailing to said member by the Supreme Secretary, shall stand suspended from all rights, benefits and privileges of the Order upon and after the date upon which said period of six months expires.

No assessment, not even that for the month in which such period expires, and no dues, shall thereafter be received from him, or on his account; and if in said month, prior to said day, such assessment is tendered, it shall be received, but not credited, to be returned if suspension shall occur, otherwise retained, and receipt given accordingly.

No action on the part of said Council or any officer thereof shall be required as essential to such forfeiture and suspension, and he shall not be reinstated except as hereinafter provided; provided, however, that such suspension shall not occur, if at a stated meeting of the Council within said period of six months, evidence shall be presented, which the Council, by a vote of the majority of the members present, shall declare satisfactory, that such member is prevented by sickness or physical or mental disability from attending a meeting of the Council or from writing his name and his then residence and address shall be established to the satisfaction of the Council, declared by a like majority vote.

Reinstatement.

SEC. 401. In order to reinstate a member suspended under the provisions of the next preceding Section, he must comply with the laws governing the reinstatement of suspended members, and in addition to the requirements thereof, a written statement of the facts concerning his disappearance and absence shall accompany his application for reinstatement.

Reinstatement.—Dispensing with Medical Examination.

SEC. 402. The Supreme Regent may, for reasons satisfactory to him, authorize the medical examination of an applicant, for reinstatement under this Chapter to be dispensed with.

Death Claim.

SEC. 403. If it shall be proven to the satisfaction of the Supreme Secretary, Examiner of Claims, and Supreme Regent, that such member died before the date upon which he stood suspended, his benefit shall be paid according to the Laws of the Order.

TITLE V.

WITHDRAWAL, FINAL WITHDRAWAL, AND TRAVELLING CARDS.

CHAPTER I.

Withdrawal From One Council to Join Another.

Application for Card.

Sec. 410. Any member in good standing wishing to withdraw from his Council, for the purpose of joining another Council, shall make application in writing for a Withdrawal Card. The application must be accompanied by the amount of all dues, assessments and fines that may be lawfully charged against him on that date, including the assessment for the current month in which the card is granted, and a fee of one dollar for the card; and action shall not be taken by the Council until such amount and fee have been paid.

How Granted.—Restrictions on.

Sec. 411. (1) A Withdrawal Card for the purpose of joining another Council shall bear the date of, and be issued at, a stated meeting of the Council; provided, however, that a Council shall not issue Withdrawal Cards to its members to such an extent as will reduce its membership to less than sixteen, without notice to, and the written consent of, the Grand or the Supreme Regent.

(2) If the membership of a Council is reduced to less than sixteen, by unanimous vote the members present at a stated meeting may vote to themselves Withdrawal Cards good for thirty days from the date of vote therefor. None of the other provisions of this Chapter, and of Chapter II. of this Title, shall apply to the holders of such cards, excepting those relative to the deposit thereof in another Council, contained in Sections 416, 417, 418 and 419. If at the expiration of said thirty days the holder of such card has not deposited the same as allowed under said Sections, he shall have the rights and privileges and be subject to the requirements of members of dissolved Councils as provided in laws relating thereto. The Secretary of the Council so granting such cards shall at once notify the Supreme Secretary and Grand Secretary thereof, and thereupon the Supreme Regent shall declare said Council dissolved, and in such case the provisions of Section 532 shall apply. If any further action shall be required to wind up the affairs of said Council, than is provided for in Section 532, the Supreme or Grand Regent shall have the power to appoint an officer or member of the Council to perform the same.

If Charges Against Applicant.

Sec. 411a. Upon receiving an application for Withdrawal Card, the Council shall issue the same, unless charges are then pending, or shall then be preferred against the member applying therefor, in either of which cases the issuance of the card shall await until the charges are disposed of according to the Constitutions and Laws. If the member is acquitted therein the card shall be issued; if he be convicted, the issuing of the card shall further await until the penalty imposed upon such conviction shall be performed or satisfied, and then upon a new application therefor, and compliance with all the conditions of the original application, excepting the payment of the fee of one dollar, the card shall be issued, and no charge or charges shall again be preferred for the same offence.

If Refused.

Sec. 412. Should a Council neglect or refuse to issue the card under the provisions of the preceding Section, it shall be subject to the penalties imposed upon Councils for neglecting or refusing to conform to the Constitutions, Laws and Regulations of the Order.

Duration of Rights of Holder.

Sec. 413. (1) The Council shall fix the time for which a card shall be good, which shall not be less than three nor more than six months. During this time or until it is deposited in another Council the Council which granted the card shall retain the member's name on its books, and shall send him the required notices to members, and he must keep his dues and assessments paid as though he had not received a Withdrawal Card.

(2) During the life of the Withdrawal Card, and before it is deposited with another Council, the member holding the same shall not be entitled to voice, vote, sick benefits or the right to hold office in the Council granting the card, unless nor until he shall return it to the Council granting it, as provided by law.

(3) A card is not so deposited in another Council until the member has been legally elected to membership therein.

1. Members took cards on March 2, paying assessments and dues to April 1. They deposited their cards in another Council March 22. Notice of the deposit was not received by the first Council until April 2 and the first Council claimed that it should receive dues from these members for the quarter ending June 30, and Assessment No. 22. Held: that the first Council was not entitled to such payment, as the membership became complete in the other Council on March 22.—[Case of members of Abernethy Council v. Carteret Council, Pro. 1895, p. 24.

If not Deposited.

Sec. 414. If at the end of the time for which a Withdrawal Card was granted, the holder thereof has not deposited it in some other Council, his membership shall be continued in the Council granting the card without further action, subject to his compliance with all the requirements of our laws.

May be Returned to Council.

Sec. 415. A member holding a Withdrawal Card may, at any time within the period for which it was granted, return it to the Council which granted the card, and his membership therein shall continue without further action by the Council.

CHAPTER II.

Deposit of Withdrawal Cards.

Application for Deposit.

Sec. 416. A member of the Order holding a Withdrawal Card wishing to become a member of another Council, shall make written application to deposit his card therein, and present his card, accompanied by a fee of not less than one dollar for deposit of card, provided, that where a member changes his residence from one city or town to another, no fee shall be charged for such deposit in a Council located in his new place of residence.

Investigating Committee on.

Sec. 417. If the Council to which application for deposit is made is satisfied of the correctness of the card, the application shall be referred to a committee of three members, whose duty it shall be to inquire and report to the Council as to the character and fitness of the applicant for membership, and whether all charges against him in his former Council have been paid up to date of application for deposit of card.

Ballot and Election.

Sec. 418. (1) If the report of the Investigating Committee be favorable, and it appears affirmatively in writing that any and all charges due from the applicant to his former Council since the granting of the card have been paid, the applicant shall be balloted for. If only two black balls appear, he shall be declared elected to membership on said date, and the Secretary shall immediately send notice of the date of his election to the Secretary of his former Council and to the Supreme Secretary.

(2) The ballot may be taken at the meeting the card is presented, if all requirements have been complied with; if not, the election should be postponed until such completion.

1. When a Withdrawal Card is deposited in a Council, all preliminaries complied with, and the Council takes a ballot, if it be clear, the holder of the card becomes at once a member of the Council so electing him. A Council cannot ballot upon the deposit of a Withdrawal Card and fix the membership of the holder thereof to take effect at some future date.—[Decision, Pro. 1900.

If Rejected.

Sec. 419. If more than two black balls appear against him he shall be declared rejected, in which case the fee shall be returned with the card to the member.

Member-at-Large.

Sec. 419a. A member holding a Withdrawal Card, whose Council becomes suspended, dissolved or defunct before the expiration of the card, may deposit the card with the Supreme Secretary and become a member-at-large by complying with the laws governing members of suspended, defunct or dissolved Councils.

CHAPTER III.

Final Withdrawal.

Procedure on.

Sec. 421. Any member wishing to withdraw permanently from the Order shall make written application to his Council therefor, stating therein the date when such withdrawal shall take effect, pay all dues, fines and assessments chargeable against him to and upon said date, including the assessment payable in the month of withdrawal, surrender his Benefit Certificate in writing, or, in case his Benefit Certificate is lost or beyond his control, furnishing to the satisfaction of the Supreme Secretary proof of such loss or that the same is beyond his control, and release all claims thereto and under his membership in the Order from and after the said date, and receive from the Council a Certificate of Final Withdrawal. All his rights in and privileges under said Benefit Certificate and the Order shall terminate with the expiration of the day named by him as aforesaid. Said application, release and Benefit Certificate, unless lost or beyond his control, shall be forwarded to the Supreme Secretary, with a certificate of the granting of the card, and the date thereof.

After Suspension.

Sec. 421a. A member under suspension for non-payment of dues, an assessment or a fine, and who desires to receive honorable clearance from any indebtedness to the Order or the Council existing at the time of his suspension, may make written application to the Council in which he was suspended, for a Certificate of Final Withdrawal, pay all such indebtedness, including the dues, assessment or fine upon which such suspension was made, surrender in writing his Benefit Certificate, or, in case his Benefit Certificate is lost or beyond his control, furnish to the satisfaction of the Supreme Secretary

proof of such loss or that the same is beyond his control, and release all claims thereto and under his former membership, and thereupon receive from his Council such Certificate. The privilege hereby granted shall not operate to restore any right under such Benefit Certificate or former membership of which such suspension deprived him. Said application, Benefit Certificate or release shall be forwarded to the Supreme Secretary with a certificate of the granting of such Certificate of Final Withdrawal.

May be Readmitted.

SEC. 422. Any member taking a Certificate of Final Withdrawal can, before attaining the age of 65 years be readmitted only as a new member, but the payment of the Degree fee, and all of the ceremony of conferring the Degree, except the obligation and instruction in the signs, words and passwords, may be dispensed with.

CHAPTER IV.

Travelling Cards.

How Granted.

SEC. 423. Any member in good standing may make application to his Council, in person or by letter, at a regular meeting, for a Travelling Card. The card shall be granted only by a majority vote of the Council, upon the payment of the dues, in advance for a period not exceeding six months, such number of assessments in advance as the Council may determine, and a fee of fifty cents for the card.

If Refused.

SEC. 424. If a majority of those voting shall refuse to grant a Travelling Card, the objection shall be stated in writing, and the member entitled to a trial in the same manner and form as upon other charges.

TITLE VI.

WIDOWS AND ORPHANS' BENEFIT FUND.

CHAPTER I.

Rates of Assessment of Members and Payments to the Fund.

Amount of Certificates.

SEC. 430. (1) Benefit Certificates shall be hereafter issued for the following amounts only: One thousand dollars, two thousand dollars, and three thousand dollars, which shall, in the Laws of the Order, be designated, respectively, first amount, second amount, and third amount certificates; provided, that a certificate for five hundred dollars may be issued, as specified in paragraph (12) of this Section, to be designated as half of first amount certificate; and provided further that a certificate for fifteen hundred dollars may be issued, as specified in Sections 431 and 432, to be designated as a half rate certificate.

Existing Certificates.

(2) Existing three thousand dollars certificates, and fifteen hundred dollars certificates shall, in the Laws of the Order, be designated respectively, third amount certificates, and half-rate certificates.

Assessment Rates.

(3) Every applicant upon presenting himself to receive the Degree, on or after the first day of July, 1914, shall pay to the Collector as an assessment for the Widows and Orphans' Benefit Fund the amount prescribed and fixed for his age at the time of receiving the Degree, computed from his nearest birthday, and for the

amount of benefit applied for, in and by the following Table of Rates, designated as Option A, and the same amount on each assessment thereafter, unless his membership shall have terminated, and unless he shall have changed the amount of his certificate, and unless he shall have selected Option D hereinafter described, in which latter case he shall pay assessments as prescribed and fixed in and by the Table of Special Rates applicable to such Option.

Rates for Option A.

OPTION A.—A constant rate during membership.

(Illustration: An applicant, or a member selecting this Option, at age forty, for instance, will pay the rate for his amount of benefit prescribed for that age and continue at the same rate during his membership.)

TABLE OF RATES FOR OPTION A.

Age.	$1,000. Per Month.	$2,000. Per Month.	$3,000. Per Month.	$5,000. Per Month.	$10,000. Per Month.
18	.41	.81	1.22	1.62	2.43
19	.41	.81	1.22	1.62	2.43
20	.41	.81	1.22	1.62	2.43
21	.41	.81	1.22	1.62	2.43
22	.42	.82	1.25	1.66	2.49
23	.43	.86	1.29	1.72	2.58
24	.45	.89	1.34	1.78	2.67
25	.46	.92	1.38	1.84	2.76
26	.48	.95	1.43	1.90	2.85
27	.50	.99	1.49	1.98	2.97
28	.51	1.02	1.53	2.04	3.06
29	.53	1.06	1.59	2.12	3.18
30	.55	1.10	1.65	2.20	3.30
31	.57	1.13	1.70	2.26	3.39
32	.59	1.17	1.76	2.34	3.51
33	.61	1.21	1.82	2.43	3.63
34	.63	1.25	1.88	2.50	3.75
35	.65	1.30	1.96	2.60	3.90
36	.68	1.36	2.04	2.72	4.08
37	.71	1.42	2.13	2.84	4.26
38	.74	1.48	2.22	2.96	4.44
39	.77	1.54	2.31	3.08	4.62
40	.81	1.61	2.42	3.22	4.83
41	.84	1.68	2.52	3.36	5.04
42	.88	1.76	2.64	3.52	5.28
43	.92	1.83	2.75	3.66	5.49
44	.96	1.91	2.87	3.82	5.73
45	1.00	2.00	3.00	4.00	6.00
46	1.04	2.08	3.12	4.16	6.24
47	1.09	2.18	3.27	4.36	6.54
48	1.14	2.28	3.42	4.56	6.84
49	1.20	2.40	3.60	4.80	7.20
50	1.26	2.52	3.78	5.04	7.56
51	1.33	2.65	3.98	5.30	7.95
52	1.39	2.78	4.17	5.56	8.34
53	1.46	2.91	4.37	5.82	8.73
54	1.53	3.05	4.58	6.05	9.09
55	1.57	3.14	4.71	6.28	9.42
56	1.63	3.24	4.86	6.48	9.72

TABLE OF RATES FOR OPTION A.—Continued.

57	1.71	3.41	5.12	6.83	10.25
58	1.80	3.59	5.39	7.18	10.77
59	1.89	3.78	5.67	7.56	11.34
60	2.00	3.99	5.99	7.98	11.97
61	2.12	4.21	6.33	8.43	12.62
62	2.23	4.45	6.68	8.90	13.35
63	2.36	4.72	7.08	9.44	14.16
64	2.51	5.02	7.53	10.04	15.06
65	2.68	5.36	8.04	10.73	16.08

For Members Admitted Before July 1, 1914.

(4) Each and every member admitted prior to the first day of July, 1914, who has heretofore selected or shall hereafter select said Option A as the plan of his assessment rate and benefit amount relation to the Order, shall, unless he elects to change to the Table of Regular Rates, or to Option D, as hereinafter in this Section provided, pay all the assessments to said fund, for the amount of benefit named in his Benefit Certificate, as prescribed and fixed in and by the foregoing Table of Rates applicable to such Option.

Regular Rates.

(5) Each and every member admitted prior to the first day of July, 1912, shall, unless he has heretofore selected or shall hereafter select as the plan of his assessment rate and benefit amount relation to the Order, one of the Options as in this Section provided, pay all assessments to said fund, if admitted prior to the first day of July, 1905, for and upon his age attained on the first day of October, 1905, and, if admitted since the first day of July, 1905, then he shall pay all assessments to said fund according to his age attained at time of admission, and for the amount of benefit named in his Benefit Certificate as prescribed and fixed in the Table of Regular Rates, hereinafter set forth, and if then, and when, he shall have attained the age of 65 years, he shall pay all assessments thereafter at the rate prescribed and fixed in said Table of Regular Rates for said age of 65 years; provided, that the assessment for the month in which he attains the said last mentioned age must be paid at the rate therefor, whether he makes the payment before or after such attainment.

Explanation of Regular Rates.

A constant term rate to age 65, and an increased level rate thereafter applicable to members admitted prior to the first day of July, 1912.

(Illustration: A member selecting this plan at age 40 will pay the rate for his amount of benefit prescribed for that age, $1.01 per month for a $1,000 certificate, and continue at the same rate until he attains 65 years of age, when and thereafter, during the remainder of his membership, his rate for such amount of benefit will be $5.36 per month.)

TABLE OF REGULAR RATES.

Age.	Rate Yearly.	Rate Half-Yearly.	Rate Quarterly.	Rate Monthly.	Rate Weekly.
21	.63	.33	.86	1.26	1.09
22	.63	.64	.86	1.26	1.09
23	.63	.65	.86	1.30	1.06
24	.63	.66	.89	1.32	1.06
25	.64	.67	1.01	1.34	1.01
26	.64	.68	1.02	1.36	2.04
27	.65	.69	1.04	1.38	2.07
28	.65	.70	1.05	1.40	2.10
29	.66	.71	1.07	1.42	2.13
30	.66	.72	1.08	1.44	2.16
31	.67	.74	1.11	1.48	2.22
32	.68	.76	1.14	1.52	2.28
33	.69	.78	1.17	1.56	2.34
34	.69	.80	1.20	1.60	2.40
35	.69	.82	1.25	1.66	2.49
36	.69	.86	1.29	1.72	2.58
37	.69	.89	1.34	1.78	2.67
38	.67	.93	1.40	1.86	2.79
39	.69	.97	1.46	1.94	2.91
40	.81	1.01	1.52	2.02	3.03
41	.89	1.06	1.59	2.13	3.18
42	.98	1.11	1.67	2.22	3.33
43	.98	1.16	1.74	2.32	3.48
44	.81	1.21	1.83	2.42	3.63
45	.63	1.26	1.89	2.52	3.78
46	.66	1.31	1.97	2.62	3.93
47	.69	1.37	2.06	2.74	4.11
48	.72	1.43	2.15	2.86	4.29
49	.75	1.49	2.24	2.98	4.47
50	.78	1.55	2.33	3.10	4.65
51	.81	1.61	2.42	3.22	4.83
52	.84	1.68	2.52	3.36	5.04
53	.88	1.75	2.63	3.50	5.25
54	.91	1.82	2.73	3.64	5.46
55	.96	1.90	2.84	3.78	5.67
56	.98	1.96	2.94	3.92	5.88
57	1.02	2.05	3.05	4.06	6.09
58	1.06	2.11	3.17	4.23	6.33
59	1.10	2.19	3.30	4.38	6.57
60	1.15	2.29	3.44	4.58	6.87
61	1.21	2.41	3.62	4.83	7.25
62	1.28	2.55	3.83	5.10	7.65
63	1.35	2.70	4.05	5.40	8.10
64	1.44	2.88	4.33	5.76	8.64
65	2.03	5.39	8.04	10.73	16.09

May Change to Options.

(6) A member admitted prior to the first day of October, 1908, may, within the first six months from and after the said first day of October, and not thereafter, except as hereinafter provided in this Section, elect to change from the Regular Rate aforesaid and select as the plan of his assessment rate and benefit amount relation to the Order one of the Options hereinafter named, provided his attained age renders the same applicable to him, and shall then and thereafter

pay assessments, including that for, or payable in, the month in which his selection becomes operative, at the rate for his age then attained, computed from his nearest birthday, and for his advancing age, if he shall select Option B, and for the amount of his Benefit Certificate, as prescribed and fixed in the Table of Special Rates applicable to the Option so selected.

Selections of Options.

(7) The Options from which members may select, as in this Section provided, are hereinbefore and hereinafter set forth and numbered Option A, Option B, Option C, and Option D, and the Table of Special Rates applicable to each Option immediately follows the description of such Option.

A member who selects Option B shall, upon attaining the age of 60 years, then and thereafter pay upon each assessment the rate prescribed and fixed in its Table of Special Rates for the constant payment after age 65 applicable to his age at the date when his said selection becomes operative.

Under Option B the date in each year upon which the annual advance in age and assessment rate shall take place shall be the first day of January, the first of such annual advances to occur on the first day of January, 1907.

Under Option C an annual decrease in the benefit named in the Benefit Certificate, of three and one-third per cent. thereof, shall occur each year, commencing with the year immediately following the member's attaining the age of 60 years, and continuing until the age of 75 years is reached, making a total reduction in the fifteen years of one-half of the benefit without diminution of the amount of the assessment rate. The whole annual deduction shall be made for any year if the member shall die at any time during the last six months of such year. The benefit of a member who on the first day of October, 1905, has passed the age of 60 years, and who selects this Option, shall be subject to the aggregate reduction for the prior years, and if he is over 65 years of age at the date his selection becomes operative, he shall thereafter pay assessments at the rate prescribed and fixed in the Table of Special Rates for Option C for age 65.

Under Option D the monthly assessment rate remains level until a member attains the age of 65 years, at which time it automatically reduces one-half, and so continues, at such reduced amount, throughout the life of the contract. The benefit payable thereunder remains constant for the amount named in the Benefit Certificate, unless the member shall have terminated his membership, or changed the amount of his certificate. This Option shall be available to new entrants on and after July 1, 1914, and, after said date, any member not over 44 years of age at nearest birthday, may make written election to the Supreme Secretary to change from the Regular Rate or from Option A, prescribed in this Section, and select as the plan of his assessment rate and benefit amount relation to the Order, Option D, and shall then and thereafter pay assessments, including that for, or payable in the month in which his election becomes operative, at the rate for his age then attained, computed from his nearest birthday, and for the amount of his Benefit Certificate, as prescribed and fixed in the Table of Special Rates applicable to said Option D: provided that any member, so electing to accept said Option, who becomes disabled as the result of disease originated or contracted one or more years prior to accepting the same, shall not be entitled to the waiver of the payment of assessments as hereinafter provided.

A member originally accepting a Benefit Certificate under Option D, and a member who shall select said Option, unless such disability shall be occasioned as aforesaid, who becomes totally and

permanently disabled, whether mentally or physically, and whether as a result of accident or disease, before attaining age 60, may make application and preliminary proof upon proper blanks furnished by the Supreme Council for that purpose, setting forth the nature, cause and extent of his disability. Such application may be made by the member's beneficiary, or other representative, if he is unable to make the same himself, and it shall be verified by two or more of the officers of his subordinate Council. Upon receipt by the Supreme Secretary of such application in proper form, the member shall be put upon probation for six months, during which period all assessments, dues, and other membership obligations shall continue to be regularly paid. At the end of the probationary period of six months, final proofs shall be furnished to the Supreme Secretary, which proofs shall be passed upon in accordance with such rules and regulations as may be adopted by the Executive Committee, and, if satisfactory, and the asserted condition of total permanent disability is shown to have continued during the full probationary period and to be still continuing and existing, the further payment of the member's assessments shall be waived, and his Benefit Certificate shall continue in full force and effect, and for its full amount until the natural termination thereof by the death of the member; provided, however, that if, at any time thereafter, the member's disability is shown not to be total or permanent, and his condition improves to the extent that he is able to earn a livelihood, in whole or in part, he shall then resume and thereafter continue the payment of assessments at the same rate chargeable against him at the time the aforesaid waiver became operative; and provided, further, that the waiver of the payment of assessments shall not release the members from paying any and all other financial obligations to the Order, and complying with all lawful requirements.

A member holding an Option D Benefit Certificate upon attaining 70 years of age, he being then in good standing in the Order, may surrender his Benefit Certificate together with a proper release, and shall thereupon receive an Old Age Benefit as shown in the following Table of Old Age Benefits under Option D.

Rates for Option B.

OPTION B.—A classified annual step rate for members admitted prior to the first day of October, 1905, at attained ages. The rate increases annually to and through age 65, when it becomes constant, the amount of the constant rate varying according to the age of the member when his selection of the Option becomes operative.

[Illustration 1. Age of admission or at time selection operates 21, rate $ .51, and advances annually until it becomes $2.64 at age 65, and remains at that rate until age 66, and then becomes constant at the rate prescribed and fixed for such constant rate in the Table of Special Rates applicable to this Option, namely, $1.12.

[Illustration 2. Age 42, rate $ .87. Advances to $2.64 at and through age 65, thereafter constant at $1.72.]

TABLE OF RATES FOR OPTION B.

	For $500.		For $1,000.		For $2,000.		For $3,000.		For $5,000.	
21	.26	.69	.51	1.13	.77	1.77	1.02	2.30	1.13	3.12
22	.26	.67	.52	1.09	.78	2.60	1.04	2.65	1.30	1.19

TABLE OF RATES FOR OPTION B.—Continued.

Age	Per $100.		Per $1,000.		Per $2,000.		Per $3,000.		Per $5,000.	
	Annual Premium.	Monthly Premium.	Annual Premium.	Monthly Premium.	Annual Premium.	Monthly Premium.	Annual Premium.	Monthly Premium.	Annual Premium.	Monthly Premium.
23	.77	.73	7.53	1.49	14.80	1.51	1.86	1.81	1.89	1.41
24	.77	.82	8.04	1.65	15.81	1.49	1.98	2.10	1.93	1.56
25	.78	.89	8.55	1.80	16.83	1.70	1.19	1.99	1.95	1.49
26	.78	.97	9.06	1.94	17.84	1.91	1.12	1.88	1.98	1.63
27	.79	1.04	9.57	2.08	18.85	2.12	1.14	4.16	1.71	1.34
28	.79	1.11	10.08	2.21	19.87	2.32	1.15	4.42	1.74	1.43
29	.80	1.17	10.59	2.34	20.88	2.51	1.15	4.62	1.77	1.52
30	.80	1.24	11.10	2.47	21.90	2.71	1.20	4.94	1.80	1.61
31	.81	1.30	11.61	2.59	22.92	2.89	1.23	5.15	1.83	1.77
32	.81	1.36	12.12	2.71	23.93	4.07	1.24	5.43	1.86	1.83
33	.82	1.41	12.63	2.83	24.95	4.23	1.26	5.64	1.89	1.95
34	.82	1.47	13.15	2.93	25.96	4.40	1.30	5.80	1.95	2.79
35	.84	1.53	13.67	3.04	26.98	4.58	1.34	6.00	2.01	2.13
36	.85	1.57	14.19	3.14	28.04	4.71	1.38	6.25	2.07	2.43
37	.86	1.62	14.71	3.24	29.07	4.88	1.43	6.42	2.13	2.72
38	.87	1.67	15.24	3.34	30.11	5.01	1.48	6.63	2.22	2.93
39	.89	1.72	15.77	3.44	31.16	5.16	1.54	6.88	2.31	3.23
40	.90	1.77	16.30	3.53	32.20	5.30	1.60	7.06	2.40	3.53
41	.92	1.83	16.83	3.65	33.25	5.45	1.66	7.26	2.49	3.83
42	.94	1.86	17.37	3.72	34.31	5.56	1.74	7.44	2.61	4.16
43	.96	1.90	17.91	3.80	35.37	5.70	1.83	7.69	2.73	4.49
44	.98	1.95	18.45	3.89	36.43	5.84	1.93	7.73	2.86	4.67
45	.99	1.99	18.99	3.98	37.49	5.97	1.98	7.96	2.97	4.94
46	1.03	2.05	19.55	4.06	38.58	6.09	2.10	8.13	3.15	5.13
47	1.07	2.07	20.11	4.14	39.68	6.21	2.20	8.28	3.30	5.43
48	1.11	2.11	20.67	4.23	40.74	6.33	2.32	8.44	3.48	5.66
49	1.15	2.15	21.23	4.30	41.80	6.46	2.43	8.69	3.69	5.96
50	1.19	2.19	21.79	4.38	42.86	6.57	2.60	8.76	3.90	6.16
51	1.23	2.22	22.35	4.46	43.97	6.69	2.76	8.92	4.14	6.33
52	1.27	2.27	22.92	4.53	45.01	6.80	2.94	9.06	4.41	6.59
53	1.31	2.31	23.49	4.61	46.04	6.93	3.13	9.22	4.68	6.83
54	1.34	2.34	24.06	4.68	47.09	7.03	3.33	9.36	4.98	7.06
55	1.39	2.41	24.63	4.76	48.14	7.18	3.55	9.50	5.34	7.26
56	1.41	2.44	25.20	4.83	49.19	7.33	3.80	9.64	5.70	7.42
57	1.46	2.48	25.77	4.96	50.24	7.48	4.06	9.79	6.09	7.61
58	1.50	2.51	26.34	5.01	51.31	7.53	4.36	10.02	7.03	7.85
59	1.54	2.54	26.91	5.06	52.37	7.63	4.69	10.10	7.53	8.12
60	1.58	2.57	27.48	5.14	53.43	7.78	5.05	10.26	8.10	8.42
61	1.62	2.60	28.05	5.19	54.49	7.78	5.42	10.38	8.73	8.73
62	1.67	2.64	28.62	5.28	55.55	7.93	5.82	10.50	9.42	8.97
63	1.70	2.66	29.19	5.31	56.60	7.97	6.25	10.62	10.17	9.22
64	1.73	2.68	29.76	5.36	57.65	8.04	6.73	10.73	10.96	9.46

Rates for Option C.

OPTION C.—A constant rate for members admitted prior to the first day of July, 1905, at their attained ages with full amount of Benefit Certificate payable until the attainment of age 60, when the benefit named in the Certificate decreases annually three and one-third per cent. thereof until the attainment of age 75, when the benefit will have been reduced in amount to one-half thereof, and will continue at said one-half amount thereafter, the assessment rate remaining unchanged throughout.

[Illustration of the decrease in benefit on a first amount certificate: From 60 to 61—$1000, decrease $33.33.
Member dying at age 61, benefit payable.....$966.67
61 to 62 $966.67—33.33 ..... 933.34
62 to 63 $933.34—33.34 ..... 900.00
and so on each year until age 75 is attained, when the benefit becomes and remains constant at $500, and the same reduction will be applied to other amount certificates proportionately.]

The benefit of the member between the ages of 60 and 75, selecting this Option, shall be subject to the aggregate reduction of the benefit for the prior years.

TABLE OF RATES FOR OPTION O.

Age	Per Annum	Per Annum	Per Annum	Per Annum	Per Annum
21	.34	.63	1.02	1.38	2.04
22	.35	.70	1.05	1.40	2.10
23	.36	.72	1.08	1.44	2.16
24	.37	.74	1.11	1.48	2.22
25	.38	.76	1.14	1.52	2.28
26	.39	.78	1.17	1.56	2.34
27	.41	.81	1.23	1.62	2.43
28	.42	.84	1.26	1.68	2.52
29	.43	.86	1.29	1.72	2.58
30	.45	.89	1.34	1.78	2.67
31	.46	.92	1.38	1.84	2.76
32	.47	.94	1.41	1.88	2.82
33	.49	.97	1.46	1.94	2.91
34	.50	1.00	1.50	2.00	3.00
35	.52	1.04	1.56	2.08	3.12
36	.54	1.08	1.62	2.16	3.24
37	.57	1.13	1.70	2.26	3.39
38	.59	1.17	1.76	2.34	3.51
39	.61	1.22	1.83	2.44	3.66
40	.64	1.27	1.91	2.54	3.81
41	.66	1.33	1.98	2.64	3.96
42	.69	1.37	2.06	2.74	4.11
43	.71	1.42	2.13	2.84	4.26
44	.74	1.48	2.22	2.96	4.44
45	.77	1.54	2.31	3.08	4.62
46	.80	1.59	2.39	3.18	4.77
47	.82	1.64	2.49	3.32	4.98
48	.87	1.73	2.60	3.46	5.19
49	.91	1.81	2.72	3.62	5.43
50	.95	1.89	2.84	3.78	5.67
51	.99	1.97	2.96	3.94	5.91
52	1.03	2.05	3.08	4.10	6.15
53	1.07	2.13	3.20	4.26	6.39
54	1.13	2.26	3.39	4.52	6.78
55	1.18	2.36	3.54	4.72	7.08
56	1.16	2.31	3.47	4.63	6.94
57	1.20	2.40	3.60	4.80	7.20
58	1.25	2.49	3.74	4.98	7.47
59	1.30	2.59	3.89	5.18	7.77
60	1.34	2.68	4.02	5.36	8.04
61	1.38	2.76	4.14	5.52	8.28
62	1.43	2.85	4.28	5.70	8.55

TABLE OF RATES FOR OPTION C.—Continued.

Age						
60	1.48	1.92	2.48	3.20	4.14	5.36
61	1.53	2.05	2.73	3.63	4.83	6.43
62	1.58	2.16	2.96	4.06	5.57	7.64

Rates for Option D.

OPTION D.—A constant rate to age 65, and reduction of one-half thereof during the remainder of membership, without any diminution of the amount of the benefit, and a waiver of the payment of assessments in case of total permanent disability before attaining 60 years of age as hereinbefore in this paragraph provided, and payment of an Old Age Benefit at age 70.

(Illustration. A member selecting this plan at age 30, will pay the rate for his amount of benefit prescribed for that age, or $1.47 per month for a $1,000 certificate, and unless said member shall be entitled to a waiver of all of his assessments on account of disability, as heretofore in this separate paragraph described, will continue at the same rate until he attains 65 years of age, when it automatically reduces to $0.74, and so continues during the remainder of his membership. Upon attaining age 70 such member will be entitled to receive an Old Age Benefit of $587.41 upon a $1,000 certificate, and other members a proportional sum for other amount certificates.)

TABLE OF RATES FOR OPTION D.

Age							
18	.59	1.00	1.60	2.00	2.00	.59	$404.06
19	.61	1.02	1.63	2.04	2.06	.61	403.68
20	.62	1.04	1.66	2.08	2.12	.62	401.94
21	.64	1.07	1.61	2.14	2.21	.64	400.81
22	.65	1.10	1.66	2.20	2.30	.65	399.62
23	.67	1.14	1.71	2.28	2.43	.67	398.37
24	.69	1.18	1.77	2.36	2.54	.69	397.04
25	.61	1.22	1.83	2.44	2.66	.61	395.65
26	.64	1.27	1.91	2.54	2.81	.64	394.18
27	.66	1.31	1.97	2.62	2.93	.66	392.62
28	.68	1.36	2.04	2.72	3.09	.68	390.98
29	.71	1.42	2.13	2.84	3.26	.71	389.25
30	.74	1.47	2.21	2.94	4.41	.74	387.41
31	.77	1.53	2.30	3.06	4.59	.77	385.47
32	.80	1.60	2.40	3.20	4.80	.80	383.43
33	.83	1.66	2.49	3.32	4.98	.83	381.24
34	.87	1.73	2.60	3.46	5.19	.87	378.93
35	.90	1.80	2.70	3.60	5.40	.90	376.48
36	.94	1.88	2.82	3.76	5.67	.94	373.88
37	.98	1.97	2.96	3.94	5.91	.98	371.11
38	1.02	2.06	3.09	4.12	6.18	1.02	368.16
39	1.06	2.16	3.24	4.32	6.49	1.08	365.03
40	1.14	2.27	3.41	4.54	6.81	1.14	361.67
41	1.19	2.37	3.56	4.74	7.11	1.19	358.10
42	1.25	2.49	3.74	4.98	7.47	1.25	354.31

TABLE OF RATES FOR OPTION B.—Continued.

42	1.31	2.49	3.88	5.24	7.88	1.31	550.18
44	1.38	2.75	4.13	5.50	8.25	1.38	545.79
45	1.44	2.83	4.32	5.76	8.64	1.44	541.66
46	1.53	3.06	4.58	6.10	9.15	1.53	535.97
47	1.61	3.23	4.83	6.44	9.66	1.61	530.48
48	1.70	3.40	5.10	6.80	10.20	1.70	524.53
49	1.81	3.61	5.42	7.22	10.83	1.81	518.09
50	1.92	3.83	5.75	7.66	11.49	1.92	511.06
51	2.04	4.07	6.11	8.14	12.21	2.04	503.39
52	2.18	4.36	6.53	8.70	13.06	2.18	494.98
53	2.32	4.63	6.96	9.26	13.88	2.32	485.72
54	2.48	4.96	7.44	9.92	14.88	2.48	475.46
55	2.67	5.34	8.01	10.68	16.02	2.67	464.05
56	2.87	5.74	8.61	11.48	17.22	2.87	451.24
57	3.11	6.23	9.33	12.41	18.66	3.11	436.77
58	3.37	6.74	10.11	13.48	20.22	3.37	420.29
59	3.69	7.37	11.06	14.74	22.11	3.69	401.32
60	3.96	7.73	11.53	15.44	23.16	3.86	378.91
61	4.27	8.54	12.81	17.08	25.62	4.27	353.83
62	4.76	9.53	14.28	19.04	28.56	4.76	326.46
63	5.37	10.74	16.11	21.45	32.22	5.37	290.61
64	6.16	12.32	18.48	24.64	36.96	6.16	239.65

Half-Rate Certificates.

(8) Members who hold half-rate certificates shall pay on each assessment one-half of the amount set forth in the foregoing tables of rates for the third amount certificate.

1. The Supreme Council controls the W. & O. B. Fund in the hands of Councils.—[Decision, Pro. 1903, pp. 266, 267.

Change of Amount.

(9) Members holding Benefit Certificates under the Regular Rate or under an Option Rate may change the amount of Benefit Certificate as provided in the Laws of the Order for such change.

When Selecting of Option Takes Effect.

(10) No member shall select or acquire any right or advantage under Option C until he shall have surrendered the Benefit Certificate then held by him and released all obligations thereunder, nor under any other Option until all instruments required shall be executed and delivered to the Supreme Secretary.

Assessment at Nearest Birthday.

(11) In determining the assessable age of an applicant or member in order to fix the rate and amount of his assessment which he will pay under any of the tables of rates in this Section, such age shall be computed and fixed at his age at his birthday nearest to the day upon which such rate commences to be operative.

1. In determining the assessable age of an applicant or reinstated member, the same should be computed from his birthday to the date upon which he is initiated or reinstated.—[Decision, Pro. 1900, pp. 57, 58.

2. When there are an equal number of days between the last birthday and date of initiation, and such date and the next birthday, the assessable age shall be according to age attained at the last birthday.—[Decision, Pro. 1911, pp. 39, 40.

Change from Higher to Lower Amounts.

(12) A member admitted prior to the first day of October, 1905, may change from a third, second or first amount certificate or a half-rate certificate, to a half of first amount certificate, namely, to a five hundred dollar certificate, under the provisions and conditions prescribed for change to lower amount certificate in Section 431; and after the date named by him in the written notice of change he shall pay assessments at one-half of the rate prescribed and fixed for a first amount certificate in the table of rates upon which he was paying assessments when such notice was given.

New Certificates Free.

(13) New Benefit Certificates shall be issued without charge to members admitted prior to October 1, 1905, when changing to an Option, and when, prior to April 1, 1906, changing from a higher to a lower amount of certificate.

Reinstated Members.

(14) Each and every member reinstated on or after the first day of July, 1912, shall pay all assessments thereafter payable by him upon the rate applicable to him under the Table of Rates governing his assessments at the time of his suspension, unless an optional rate shall be lawfully applicable to him.

Forms for Options.

(15) The forms of instruments for selection of Options, and releasing the obligations of the Order under Benefit Certificates, forms of Benefit Certificates and all other forms, and the instructions, rules and regulations, necessary or proper for the promulgation, carrying out and operation of the provisions of this Section, shall be prepared and issued by, or under the direction of, the Executive Committee, to whom full power therefor is hereby given.

Election of New Rate after Sixty-five.

(16) A member who, on the first day of October, 1905, was 65 years of age, or over, or who was admitted prior to the first day of July, 1905, and shall attain such age prior to the first day of October, 1914, upon making written request therefor to the Supreme Secretary, may elect as the amount which he shall pay upon each assessment a sum which equals one-half of the amount prescribed for him to pay for an assessment at age 65, under the Table of Regular Rates, according to the amount of the benefit named in his Benefit Certificate, and the amount which shall be due and payable upon his decease shall be the amount of the benefit named in his Benefit Certificate, less a sum equal to the aggregate amount which he shall pay in assessments aforesaid, with four per cent. interest thereupon, compounded annually:

Provided, however, that he may pay such interest annually, in which case only the amount so chargeable against his Benefit Certificate shall be deducted as aforesaid, and,

Provided further, that he may, at any time, by written instrument in and upon the form prescribed therefor, and by the payment of the amount, both of principal and interest, then chargeable against his Benefit Certificate, under the foregoing provisions, cancel said election and surrender the privilege thereby acquired, and upon the receipt by the Supreme Secretary of such written instrument duly executed by him, and the amount chargeable against his Benefit Certificate as aforesaid, such cancellation and surrender shall become effective and the full amount of the benefit named in the said Benefit Certificate shall become and be payable at his death;

...requested, that he shall pay the assessment for the month in which such cancellation becomes effective as aforesaid, and all assessments thereafter, at the rate prescribed for him to pay under said Table according to the amount of his said benefit; or he may by written instrument in and upon the form prescribed therefor, modify such election in the extent and effect that he may and shall pay the assessment payable in the month in which such written instrument, duly executed by him, is received by the Supreme Secretary, and all assessments thereafter at the rate prescribed for him to pay under said Table, according to the amount of benefit named in his said Benefit Certificate, and the amount which shall then due and payable at his death shall be the amount named in his said Benefit Certificate, less the amount chargeable against the same, under the foregoing provisions at the time when said modification becomes effective, which time shall be when the Supreme Secretary receives said written instrument.

From Regular Rate or Option B to Option A, or from Option A or B to Regular Rate.

(17) A member may make written election to the Supreme Secretary to change from the Regular Rate or from Option B prescribed in this Section and select as the plan of his assessment rate and benefit amount relation to the Order Option A hereinbefore in this Section named, and shall then and thereafter pay assessments including that for, or payable in, the month in which his selection becomes operative, at the rate for his age then attained computed from his nearest birthday, and for the amount of his Benefit Certificate as prescribed and fixed in the Table of Special Rates applicable to said Option A.

A member admitted prior to the first day of July, 1912, may make written election to the Supreme Secretary to change from Option A or Option B prescribed in this Section and select as the plan of his assessment rate and benefit amount relation to the Order the Table of Regular Rates, hereinbefore in this Section named, and shall then and thereafter pay assessments including that for, or payable in, the month in which his selection becomes operative, at the rate for his age then attained computed from his nearest birthday, and for the amount of his Benefit Certificate as prescribed and fixed in the said Table of Regular Rates; provided, that the member electing to change from either Option A or Option B shall at the time of presenting such written election also furnish the Supreme Secretary with a new medical examination upon the form prescribed for the medical examination of an applicant for admission duly approved by the proper Supervising Medical Examiner.

Stated Contributions Insufficient.

Sec. 426a. If the stated periodical contributions of the members are insufficient to pay all reported death claims in full, and to provide for the creation and maintenance of the funds required by the laws of the Order, or by the laws of the Commonwealth of Massachusetts, additional contributions or additional, increased or extra rates of contribution shall be collected from the members to meet the deficiency.

CHAPTER II.

Changes of Assessment.

Right to Lower.

Sec. 428. A member holding a third or second amount certificate, or a half-rate certificate, and who has no assessment charged against him, may give written notice to his Council at any time to change

and pay only the rate upon a lower amount of certificate, or upon a half-rate certificate, from and after a date named by him in said notice; provided, that such member shall pay the amount of certificate rate, of the certificate then held by him, on all assessments payable before the date of such change, including that for the month in which such reduction is effected. He shall surrender to his Council his Benefit Certificate, which, with a certificate of the change, the member's notice thereof, and a fee of fifty cents, shall be forwarded by the Secretary to the Supreme Secretary, who shall issue to such member a Benefit Certificate for the amount named in said notice and certificate of change.

Low to High.

Sec. 422. A member holding a half of first amount certificate, a half rate certificate, or a first or second amount certificate, and under fifty-five years of age, may change to a higher amount certificate by making written application to, and receiving the consent of, his Council, after being examined and approved in the manner prescribed for new members. He shall pay assessments thereafter, in addition to his previous assessment, the amount of assessment upon the additional amount of certificate applied for, as prescribed by the Table of Rates governing his assessments upon the amount of benefit in force at the time of such increase, beginning with that for the month in which the increase takes effect, according to age attained at the time he changes. Said application must be accompanied by the additional amount required for the new assessment. The member so changing shall surrender his Benefit Certificate, and pay fifty cents to the Secretary of his Council, who shall forward the application, the medical examination papers, Benefit Certificate, and fifty cents to the Supreme Secretary, who shall issue a new Benefit Certificate to said member. Provided, however, that a member who would be proscribed, if an applicant for membership, or is engaged in a proscribed occupation, or resides in a proscribed territory, shall not be allowed to change to a higher amount certificate.

1. A half-rate member joined at age 42, assessment $1.32. Subsequently he changed to full rate at 45 years, and was assessed at $2.67, being $1.35 plus $1.32 (one-half of $2.65). Subsequently he changed back to half-rate at age 46. Held: he should pay $1.32 for the half-rate.—(Decision, Proc. 1896, pp. 30, 217.

CHAPTER III.

Payments to the Fund and Suspension for Non-Payment

Payments by Members.

Sec. 423. (1) Each member of the Order shall pay to the Collector of his Council, without notice, twelve regular assessments in each calendar year, one of which shall be due on the first day and payable before ten o'clock P. M. of the last day of each calendar month, and in addition to said regular assessments such extra assessments as may from time to time be required and levied as provided in this Title.

(2) The Collector may, and, if the same are tendered to him shall receive and receipt for assessments from members, outside of stated meetings at an appropriate time and place designated by him therefor, but his absence from, or his refusal or inability to receive an assessment at his place of business, or such designated time and place shall not prevent the suspension of a member for non-payment thereof within the required time.

(3) The mailing of an assessment addressed to the Collector before expiration of the time for payment shall not constitute payment of such assessment.

(4) A Council may refund to a member from its General Fund the assessment he may have paid for another member.

(5) The neglect or failure of a member's agent or friend to pay for him an assessment shall not prevent his suspension.

(6) A Collector shall not receive an assessment tendered by, or for a member after the time for payment thereof has expired, and any such receipt shall not prevent suspension.

(7) Each member shall be liable for every assessment payable after the date of his receiving the Degree to, and including, the assessment for the month in which his death shall occur.

1. A member cannot be declared suspended before the time for payment expires, even if he says he does not intend to pay it.—[Decision, Pro. 1898, pp. 305, 311.

2. A member is responsible for the acts of his own selected agent or friend in the payment of assessments. A suspension, caused by the neglect of such agent or friend, is legal.—[Dwight Case in Minnesota, No. 6, Pro. 1897, pp. 238, 239, 240.

3. A Collector had been in the habit of paying assessments for members and, upon subsequent reimbursement to him, charging twenty-five cents for the accommodation. A member who had been thus accommodated, failed to pay the next assessment, and was suspended, although specially notified by the Collector of the accommodation and of the date when the next assessment would be due. The member claimed to have been sick, but ignorance of the law caused him to neglect to take advantage of his rights to be protected while disability lasted. Held that ignorance of the law cannot be pleaded, and no one was to blame for the suspension but himself.—[Weiler Case, Pro. 1898, pp. 311, 312.

4. Nothing in the laws prevents a member from paying as many assessments in advance to the Collector of his Council as he wishes, such advance payment in addition to those allowed by law being at the member's risk as to the future payment by the Collector for him.—[Adopted report, Pro. 1898, p. 29.] The Council is not responsible for any payments to the Collector beyond those permitted by law.—[Pro. 1898, p.—

5. Payment by a member of an assessment by a worthless check, and taking a receipt therefor from the Collector, is not a payment. If the check proves to be worthless, the member stands suspended the same as if no payment had been made and no receipt given. Forwarding the amount of the assessment of the member to the Supreme Treasurer does not restore him to membership. He should be notified that he stood suspended, and the check returned to him.—[Decision, Pro. 1897, pp. 31, 32.

6. A Council cannot instruct a Collector to receive from a member the assessment upon which he stood suspended.—[Appeal, Klein Case, Pro. 1898, pp. 36, 37.

Receipt by Collector.

Sec. 424. The date of such payment shall be kept by the Collector, who shall credit the member with and give him a receipt for the amount so paid.

Advance Assessments.

Sec. 425. (1) A member may pay in advance at one time not exceeding six regular assessments in addition to the regular assessment for the month in which such payment is made, and the same shall be receipted for by the Collector, who shall at once pay the same to the Treasurer, who shall, as and when each regular assessment becomes payable, forward the same to the Supreme Treasurer.

(2) If the member dies or is expelled prior to the expiration of the period covered by such payment, the assessments, if any, remaining unmatured, excepting the assessment for the month in which the death or expulsion occurs, shall be paid, in case of his death, to his beneficiary or beneficiaries, and in case of his expulsion, to him.

(3) In case such advance payment shall by reason of an increase in the amount of the member's assessment or otherwise become insufficient to pay in full an assessment or assessments required by law of the member, such advance payment shall thereupon cease to be operative or protective to the member.

Suspension for Non-Payment.

SEC. 426. Any member failing to pay any regular assessment before the time prescribed for such payment in the Laws of the Order, or to pay any extra assessment within the time limited or prescribed therefor in the notice thereof, shall stand suspended from the Order and all benefits therefrom.

Record of Suspension.

SEC. 427. (1) The Collector shall immediately notify the Regent of every suspension of a member for non-payment of an assessment, and the date thereof. The Regent shall announce the suspension and date thereof at the next meeting of the Council.

(2) The Secretary shall record the suspension, the date thereof, and the announcement thereof, and immediately notify the Supreme Secretary, giving the member's name, date and cause of suspension, number of his Benefit Certificate, and the date the suspension was announced in Council.

Council May Pay for Member.

SEC. 428. (1) A Council may authorize the payment of a member's assessment as a loan or gift from its General Fund; but such payment must be made to the Collector before the time fixed for such payment to avoid suspension under the law.

(2) Every By-Law or standing resolution of any Council authorizing the payment of a member's assessment as a loan or gift from its General Fund, as herein provided, shall be submitted in duplicate to and approved by the Committee on Laws of the Supreme Council before it shall become operative.

(3) A By-Law or resolution whereby a Council agrees to pay an assessment for a member as a loan is not binding upon the Supreme Council unless it is complied with, and no claim of a member, in case the assessment is not paid, shall be recognized or valid. If the Collector shall omit to pay, within the prescribed time, an assessment for a member, in compliance with such resolution or By-Law, the member stands suspended at the expiration of the time for payment.

(4) A Council is not required to pay an assessment for a member who has disappeared and his whereabouts are unknown, and an assessment so paid shall not be refunded by the Supreme Council.

(5) A Council shall not pay the assessments of all its members from its General Fund.

1. For approved form of Loan Fund By-Laws, see Appendix to this volume.

2. When a By-Law reads that the "Council shall provide for members in case they fail to pay an assessment before the expiration of the call," a special vote of the Council is necessary on each call.—[Appeal, Fears v. Long Island, No. 118, Pro. 1898, pp. 41, 54.

3. The Loan Fund provision is an offspring of our fraternal spirit. Its design is to assist a worthy brother, who by accident or mistake fails to get his payment into the Collector's hands seasonably. For such assistance it may not be improper to ask the brother to return the money with a small contribution for its use; but to impose a fine, with all its consequences of becoming in arrears, etc., is not consonant with the spirit which inspired the law.—[Adopted report, Pro. 1902, pp. 304, 305.

4. The Loan Fund By-Laws of a Council were disapproved by the Committee on Laws for the reason that they were loosely drawn and not sufficiently protective of the interests of the Council or the individual member. Upon appeal, the action of the Committee was approved.—[Appeal of Long Island Council, No. 118, a Com. on Laws, Pro. 1902, p. 461.

5. An attempt to avoid the suspension of a brother by paying an assessment from a Loan Fund, after he is in default, would be ineffectual.—[Appeal, Houston v. Louisville Council, Pro. 1895, pp. 32, 272.

6. Although a member becomes indebted to the Council for the amount of the assessment advanced from the Loan Fund, and the fee for the use of the fund, yet the Council cannot enforce payment by suspension.

Extent of its power lies in refusal to accommodate the member again. Tender of the next assessment by such member must be accepted by the Collector, whether the indebtedness is cancelled or not.—[Decision, Feb. 1901.

7. A Council acting under Sec. 439 (without a Loan Fund By-Law), cannot vote to pay as a loan or gift a member's assessment until otherwise ordered or for an indefinite period, and is limited to ——— assessment, to be paid by each vote.—[December, Dec. 1901.

Sunday or Holiday.

Sec. 439. When the day for the payment of an assessment falls on a Sunday or a holiday, the assessment must be paid by a member before ten o'clock P. M., on the day next following.

Collector Pay to Treasurer.

Sec. 440. Immediately after the expiration of the time for the payment of an assessment by the members, the Collector shall pay to the Treasurer the amount in his hands belonging to the Widows and Orphans' Benefit Fund, and certify the number of members who have paid, and the amount due the Supreme Treasury on such assessment, and at the same time forward to the Supreme Secretary a statement showing the amount due the Supreme Treasury, and the changes in the membership of the Council since the time for the payment of the previous assessment.

Treasurer Pay to Supreme Treasurer.—Immediately of Payments.

Sec. 441. (1) The Treasurer shall thereupon immediately forward to the Supreme Treasurer the amount so certified by the Collector, and at once notify, in writing, the Secretary of the amount so forwarded, the date it was sent, and the method by which it was transmitted. The Secretary shall report the facts to the next stated meeting of the Council.

(2) The payment of a portion of the amount due from a Council on an assessment shall not constitute a payment of the assessment, and such payment shall be treated by the Supreme Secretary as prescribed in Section 449.

(3) Remittance to the Supreme Treasurer, of the amount due from the Council for an assessment, by a worthless check, and receiving a receipt therefor, is not a payment, and the Council shall be recorded suspended the same as though the worthless check had not been received by the Supreme Treasurer.

Receipt by Supreme Treasurer.

Sec. 442. The Supreme Treasurer shall receive all money for the Widows and Orphans' Benefit Fund and Supreme Council Dues, and acknowledge the same to the Treasurer according to the following form:

Supreme Council of the Royal Arcanum,
(Seal) Office of the Supreme Treasurer,

.....

Received this day from.....Council, No.....
of the Royal Arcanum,.....dollars, on account of
Assessment No..... (or Supreme Council Dues). The amount has been reported to the Supreme Secretary, who will compare it with the records in his office, and certify to the Council whether or not it is correct.

.....

.....Supreme Treasurer.

2. The Supreme Treasurer is authorized to receive "private contributions" to the W. and O. B. Fund.—[Report S. C., Pro. 1895, p. 169; adopted report, p. 182.

Report to Supreme Secretary.

SEC. 443. The Supreme Treasurer shall report to the Supreme Secretary daily his receipts for the Widows and Orphans' Benefit Fund, giving the name and number of the Council, the amount received, and the number of the assessment in each case.

If Amount Correct.

SEC. 444. The Supreme Secretary shall notify the Council if its remittance for an assessment is correct according to the records in his office; and for this purpose the Supreme Secretary shall keep a full and complete record of the membership of each Council.

1. A Council paid to the Supreme Treasurer for many months the assessments of certain members; then forwarded notices of their suspension on prior dates, and claimed rebate for over payment on account of these members. Held, that the amounts could not be refunded.—[Appeal, Montague Council v. Supreme Secretary, Pro. 1896, pp. 94, 204.

If Amount Insufficient.

SEC. 445. (1) If, owing to an overaight or by mistake, the amount forwarded to the Supreme Treasurer for an assessment is insufficient, the Supreme Secretary shall at once notify the Regent, Secretary and Collector of the Council of the error. If the error is not corrected within sixty days after such notice, it shall be the duty of the Supreme Secretary to notify the Supreme Regent, and at the same time to notify the Regent, Secretary and Collector of the Council of such action.

(2) The Supreme Regent shall, at the expiration of fifteen days from the date of such notification, declare such Council suspended; provided, however, that he may, if he shall prior to such expiration be given a reason satisfactory to him therefor, delay action for such investigation as he shall deem expedient, and shall then act as in his judgment the facts shall warrant.

If Amount too Large.

SEC. 446. If the amount forwarded by the Council for an assessment to the Supreme Treasurer is too large, the Supreme Secretary shall notify the Council and place the amount to its credit on the next assessment.

1. A Council under suspension cannot initiate applicants.—[Decisions, Pro. 1897, pp. 29, 111, 222.

Delinquent Councils Reported.

SEC. 448. The Supreme Treasurer shall report to the Supreme Secretary all Councils from which remittances for an assessment had not been received before ten o'clock, P. M., on the fifteenth day from the day fixed as the time for payment thereof by members.

Delinquent Councils Suspended.

SEC. 449. In case the amount of an assessment due from a Council is not received by the Supreme Treasurer before ten o'clock P. M., on the fifteenth day from the day fixed for the payment thereof by members, or if the said fifteenth day falls on a Sunday or a holiday, and the said amount is not received from the Council by the Supreme Treasurer before ten o'clock P. M., of the next following day, and the case is not one provided for in Section 445 (1), the Council shall stand suspended and the Supreme Secretary shall record the suspension of such delinquent Council and all the members thereof, and notice of such suspension, and the cause and date thereof, shall be mailed to the Regent, Secretary, Collector and Treasurer of such suspended Council, to the Grand Council having jurisdiction over the same, and to the Supreme Regent.

Protection of Members in Good Standing.

Sec. 449a. Members of a Council suspended for non-payment of an assessment, who were in good standing at the date of its suspension, shall be entitled to the benefit of the Widows and Orphans' Benefit Fund for a period of thirty days from and after the date its suspension is recorded, if they shall comply with all the Laws of the Order.

How Member may Protect Himself.

Sec. 449b. A member of a Council suspended for non-payment of an assessment, or for any other cause, who was in good standing at the date of its suspension, may, at any time within the first thirty days after its suspension, continue himself in good standing during any further period of suspension of his Council, only by paying to the Supreme Secretary all assessments for the Widows and Orphans' Benefit Fund within the required time, and any assessment paid by him to the Collector of such Council and not received by the Supreme Treasurer; and all assessments shall thereafter be paid by such member to the Supreme Secretary during such suspension of his Council. Proper notices of such assessments shall be forwarded by mail to such member by the Supreme Secretary, upon application in writing being made to him therefor; provided, that in all such cases such member shall pay, as dues, to the Supreme Council three dollars in advance, and he shall receive from the Supreme Secretary a certificate authorizing the Regent of any Council to give him the password in force during the time for which his assessments are paid; during which time he shall have the rights and privileges of a member-at-large.

Suspended Council Not Recognized.

Sec. 450. During the suspension of a Council for non-payment of an assessment it shall not be officially recognized, except on business pertaining to its reinstatement.

How Reinstated.

Sec. 451. Any Council suspended for non-payment of an assessment shall stand reinstated on the receipt by the Supreme Treasurer of the amount due, together with a fine equal in amount to ten cents for each member of the Council in good standing at the date of its suspension, and its reinstatement shall be certified by the Supreme Secretary to the suspended Council, to the Grand Council having jurisdiction over it, and to the Supreme Regent. A Council so reinstated shall be required to pay all assessments becoming due and payable during the period of its suspension.

Fine on Reinstatement.

Sec. 452. The fine received by the Supreme Treasurer from a Council suspended for non-payment of an assessment, unless returned by him to the Council by order of the Supreme Regent, shall be paid into the General Fund of the Supreme Council.

Suspended Council Dissolved.

Sec. 452. Any Council suspended for non-payment of an assessment failing to reinstate itself by the payment of such assessment and fine within the period of two months shall become dissolved, if so ordered by the Supreme Regent.

Members of Dissolved Council.

Sec. 452a. Upon the dissolution of any Council, suspended for non-payment of an assessment, all members of such Council, in good standing at the date of its suspension, including such as may have since become members-at-large, shall have the rights and privileges

of members of dissolved Councils, as provided in laws relating to members of dissolved Councils, and shall make application for a card within forty days from the date of the order of the Supreme Regent declaring such Council dissolved, as provided in said laws, and such card shall have like force and effect as in said laws provided.

CHAPTER IV.

Laying and Collecting of Extra Assessments.

How Laid.

Sec. 454. (1) Whenever, in the opinion of the Supreme Regent, Supreme Secretary and Supreme Treasurer, the condition of the Supreme Treasury shall make it necessary or expedient to levy an extra assessment for the Widows and Orphans' Benefit Fund, they shall make written declaration of such opinion in triplicate, each copy of which shall have the full force of an original, which shall be filed with the Supreme Secretary.

(2) The making of such declaration and the filing thereof with the Supreme Secretary shall constitute and be the levy of such extra assessment.

(3) The Supreme Secretary shall at once notify every Council to collect immediately the amount of one assessment from every member upon whom the Degree was conferred before the date fixed in such notice.

Notice to Council.

Sec. 455. The mailing of such notice of an extra assessment by the Supreme Secretary to the Secretary of a Council shall constitute and be sufficient notice to the Council thereof.

Secretary Acknowledge Notice.

Sec. 456. Upon receipt of a notice for an extra assessment, the Secretary shall immediately acknowledge the same to the Supreme Secretary.

Notice to Members.

Sec. 457. (1) The Collector shall, when informed that notice for an extra assessment has been received, immediately notify each member to pay the same, according to the terms of and within the time prescribed by the notice, which notice shall be upon the form prescribed by the Supreme Secretary.

(2) He shall preserve evidence of the date and method of sending such notice to each member, whether mailed, left at residence or place of business, or delivered in person, and in case of suspension transmit such evidence to, and in the form required by the Supreme Secretary.

Form of Notice.

Sec. 458. (1) The notice to a member of an extra assessment shall bear the same date as that of the notice from the Supreme Secretary. It may be mailed to or left at the last known postoffice address or residence or place of business of a member, or handed to him in person. If the notice is left at or mailed to the last given address of a member, it shall be sufficient notice to him.

(2) Each member shall notify the Collector of any change of his address to which such notice shall be forwarded.

(3) The report of the Collector to the Supreme Secretary of the fact and date of the mailing or other service of the notice as above provided, shall be sufficient evidence of the fact of such mailing, or notice, in any court or tribunal.

1. All circulars and papers issued or used in Ontario, relating to the contract with the individual member, must have "Assessment System" printed or stamped upon them.—[Cir., Pro. 1895, p. 14; Rec. ap., 322.

CHAPTER V.

Emergency Fund, How Created and Used.

Emergency Fund.

Sec. 429. (1) Whenever the Widows and Orphans' Benefit Fund on deposit by the Supreme Treasurer shall exceed the amount of the mortuary liabilities then reported to the Supreme Secretary, officially and unofficially, and the Executive Committee, by an affirmative vote of at least seven members thereof, shall deem it advisable so to do, the Supreme Treasurer shall transfer such excess and for a fund to be known as the Emergency Fund, and notify the Supreme Secretary of the time and amount of such transfer. All withdrawals from the Emergency Fund Depositories shall be by checks, signed by the Supreme Regent, Supreme Secretary and Supreme Treasurer.

Use of Fund.

(2) The said fund may be used to pay current mortuary liabilities, or permanent Disability or Old Age Benefits, whenever the Supreme Council, by a two-thirds vote, or its Executive Committee by a three-fourths vote, shall so direct.

Income and Fund.

(3) The income of said fund shall be added to the fund and become a part thereof, and the fund shall not be used for any other purpose than the payment of mortuary liabilities, or Disability or Old Age Benefits.

CHAPTER VI.

Payments from the Widows and Orphans' Benefit Fund.

Amounts to be Paid.

Sec. 430. There shall be paid out of the Widows and Orphans' Benefit Fund, on the death of every member who is in good standing, and not under suspension for any cause at the time of his death, the following amounts:—

For a half of first amount certificate, five hundred dollars.
For a first amount certificate, one thousand dollars.
For a second amount certificate, two thousand dollars.
For a third amount certificate, three thousand dollars.
For a half-rate certificate, fifteen hundred dollars.

The amounts payable under certificates held by members who have selected Option C or availed themselves of the privileges accorded by paragraph (16) of Sec. 430, shall be as by said Option and paragraph respectively provided.

[The term "not exceeding" one, two or three thousand or fifteen hundred dollars, used in the Benefit Certificate, is not indefinite in amount when construed with the law by which one, two or three thousand or fifteen hundred dollars must be paid unless one full assessment does not amount to the sum named in the Certificate, an event not likely to happen; but if it should, the good of the Order requires that no second assessment be made.—[Adopted report, Pro. 1876, pp. 35, 39 and Pro. 1900.] It would not be in harmony with the principles of the Royal Arcanum and with the spirit of its laws to enact legislation that would allow a Council to retain from the death benefit any dues advanced by the Council to which a member belonged.—[Rec., Pro. 1901, p. 88.

Effect of Mistake in Age.

Sec. 430a. When it appears to the satisfaction of the Examiner of Claims that the deceased unintentionally misstated his age at admission as less than his actual age, the amount payable to the beneficiary shall be the amount which the assessment rate actually paid by the member would provide compared with the amount which

the true assessment rate, which he should have paid, would have provided.

(Illustration: A member 30 years old, assessment $1.75, gives his age at 40, assessment $1.92. As $1.75 is to $1.92, so is $2,000 to $2,194.28.)

When Less than Full Amount.

Sec. 461. Should a death occur when one full assessment on each member would not amount to three thousand dollars, then the sum paid shall be the amount of one full or one-third, or two-thirds, or one-half of a full assessment on each member in good standing in the Order at the date of death, according to the amount of the certificate held by the deceased member, and such amount shall be all that can be claimed by any one.

CHAPTER VII.

Proof of Death and Payment of Death Benefit.

Proceedings in Council.

Sec. 462. (1) On the death of a member in good standing, the Secretary of the Council of which deceased was a member, shall, without waiting for a meeting of the Council, at once comply with the requirements of Section 123a.

(2) The proof of death as prepared by the Secretary shall be presented to the Council at a special or stated meeting, and if approved, such fact shall be certified in writing over the signatures of the Regent, Secretary and Collector, and under the seal of the Council, and at once forwarded to the Supreme Secretary.

(3) If the member died at a distance from the place where the Council is located, or if no members of the Council had an opportunity to identify the deceased, the Council may require that satisfactory proofs of death be furnished, as required by the Supreme Secretary and Examiner of Claims, without expense to the Council.

(4) The identity of the deceased shall be attested by affidavit of the members or others making the certification.

(5) In all cases where death appears to have been caused by suicide, a committee shall be appointed by the Regent to investigate the facts and circumstances, and to report thereon, which report shall be forwarded with proofs of death, showing: (a) the circumstances attending the death; (b) the causes, if possible, to be ascertained which led to the suicide, such as sickness, financial condition, domestic difficulty, etc., etc.; (c) whether the member had insurance upon his life in another association or company, and the amount thereof, if it can be ascertained; (d) the verdict of a coroner's jury or inquest of any kind held upon the death, together with a copy of the evidence relating to the circumstances attending the death; (e) all other facts relating to the suicide which it is possible to obtain. The Council may require the claimant under the Benefit Certificate to pay the expense of obtaining the evidence required.

(6) If the death of a member is claimed by, or because of, his disappearance, the duties imposed upon the Council, its officers and members by this Section shall not be applicable, and the burden of proving death in the case shall rest upon those presenting the claim for any benefit thereunder.

1. A Council was suspended Dec. 31, for non-payment of an assessment. A member died Feb. 27, the next meeting. The Council was reinstated March 3 by paying the assessments and fine, but made no mention of the death until after the reinstatement. The deceased had taken none of the steps provided by law for protecting himself, by paying assessments to the Supreme Secretary. Payment of the death claim was refused. (Josephine Camp Case, in Swedesboro Council, No. 288, Ga., Pro. 1888, Report R. R., pp. 12, 14; Rec., pp. 196, 202.

Notice of Death.

Sec. 463. The notice of death must state the name of deceased, age at the date he was initiated, the number of his Benefit Certificate, the date and cause of his death, that he was in good standing, and the amount of Benefit Certificate held by the deceased.

1. Too much care cannot be taken to establish the identity of the remains of deceased. Certificate of identity shall be attested by affidavit of the members or others making the certification.—[Report and Rec., Pro. 1901, p. 32.

Further Proof.

Sec. 464. Further proof of such death may be required, if deemed necessary, by the Supreme Secretary or Examiner of Claims.

Deaths Within Two Years.

Sec. 464a. In all cases of deaths occurring within two years after admission to the Order, from other than acute disease or accidental cause, the Supreme Secretary shall furnish the Supervising Medical Examiner of the jurisdiction in which the deceased member was admitted, copies of the original application and proofs of death, so far as they relate to the cause of death.

Examination of Claims.

Sec. 465. On the receipt of such official notice of the death of a member, the Supreme Secretary, when satisfied of the sufficiency of the proofs of death and the validity of the claim of the beneficiary under the Laws of the Order, or the validity of the payment of the benefit, under the direction of the Examiner of Claims, or the decree of a Court, in case of contest, shall draw and sign an order in favor of the person or persons named in the Benefit Certificate, or of his, her, or their legal representatives, or of the person, persons, or corporation named by said direction or decree, for the amount due on said death, and forward it, with all the papers relating to the case, to the Examiner of Claims.

Separate Orders.

Sec. 465a. When the amount due is, by the terms of the Benefit Certificate or the last legal direction of the member, payable to more than one beneficiary, and the amount payable to each beneficiary is therein designated, or thereby determinable, the Supreme Secretary may draw and sign separate orders payable to the several beneficiaries for the respective amounts due them.

Payment of Claims.

Sec. 466. The Examiner of Claims shall examine all orders drawn by the Supreme Secretary upon the Widows and Orphans' Benefit Fund, and the papers accompanying the same submitted to him by the Supreme Secretary. When satisfied with the proofs of death and validity of a claim, he shall sign and forward the order so drawn in payment of such claim, together with a certificate of his approval thereof, to the Supreme Treasurer, and return all papers in the case, with a duplicate of such certificate, to the Supreme Secretary. The Supreme Treasurer shall upon the receipt of said order, and the certificate of approval thereof, sign, and designate the depository to pay the same, and forward it to the Treasurer of the Council of which the deceased was a member, or the Secretary of the Council, if the deceased was such Treasurer, and the Supreme Treasurer has no knowledge that his successor has been chosen, or otherwise as directed by the Examiner of Claims, or as provided in Section 472, and notify the Supreme Secretary thereof.

Controverted Claims.

SEC. 467. (1) If not satisfied as to the validity of a claim, the Examiner of Claims shall institute such investigation thereof as he shall deem necessary. If after the investigation he becomes satisfied that the claim should for any reason be paid, either in whole or in part, he is authorized to approve such payment or adjustment. If not so satisfied, he shall, either by himself or such counsel as he may designate, take measures which he deems necessary to protect the Order from the claim.

(2) If the case is such that the controverted facts may determine the rights of conflicting claimants, or if the liability of the Supreme Council is admitted and there are different claimants, such controversy shall be determined by the Courts, if no satisfactory settlement can be made.

(3) In a controverted case, when a question involving the integrity of our laws is raised, the Examiner of Claims shall pursue such course of procedure as will preserve the integrity of our laws either by interpleader, or may have the Supreme Council made or remain a party, or assist and support the party, whom he believes entitled to the benefit, in prosecuting or defending any suit or appeal as he may deem necessary, until a court of last resort shall have made decision thereon.

(4) He shall report his action in every case to the Supreme Secretary and in all cases of litigation he shall report the facts and his action therein to the General Counsel of the Order.

1. An applicant gave his occupation as real estate and concealed the fact that he was a licensed saloon keeper. Held: that he obtained admission through fraudulent concealment and his claim should be contested.—[Horan Case, Pro. 128, pp.

Notice to Council.

SEC. 468. The Supreme Secretary, upon receiving information that the Examiner of Claims has approved, signed and forwarded to the Supreme Treasurer the order, shall immediately notify the Secretary of the Council, of which the deceased was a member, of the fact.

Delivery of Order.

SEC. 469. It shall be the duty of the Treasurer of the Council, on the receipt of the order from the Supreme Treasurer, to immediately deliver it to the person or persons in whose favor it is drawn, and receive in return the Benefit Certificate properly indorsed. Said delivery shall be certified to by the Regent and Secretary, attested with the seal of the Council, and spread upon the records thereof.

Surrendered Benefit Certificate.

SEC. 470. Immediately upon the surrender of the Benefit Certificate the Treasurer shall forward it to the Supreme Treasurer, who shall make a record thereof and forward it to the Supreme Secretary to be filed in his office.

If Beneficiary Dies.

SEC. 471. In case of the death of the person or persons named in the order before delivery is made, the order shall be returned to the Supreme Secretary with a statement of the facts signed by the Regent, Treasurer, and Secretary, under seal, and a new order shall be drawn, payable to the person or persons entitled to the benefit.

Payments in Special Cases.

SEC. 472. When the beneficiary cannot be conveniently reached by the officers of the Council of which the deceased was a member, the order may be sent to the Council where the beneficiary resides;

r the settlement made through such channels as may be agreed pon by the Supreme Treasurer and Supreme Secretary. Notice of ch settlement must be sent to the Council of which the deceased as a member.

imitation of Actions.

SEC. 473. No action at law or in equity in any court shall be rought or maintained on any cause or claim arising out of any membership or Benefit Certificate, unless such action is br ught ithin three years from the time when such right of action accrues, r if the action arises upon the death, or alleged death, of a member, ithin three years from the date of such death.

uicide.

SEC. 473a. The taking of his own life by a member within five ears from and including the date of his initiation or reinstatement, such reinstatement takes place after the member has been sus ended for a period of one year or more, whether he be then sane or nsane, shall cancel and render null and void his Benefit Certificate nd terminate all rights and privileges of all persons thereunder and nder his membership in the Order.

The taking of his own life by a member, whether he be then sane r insane, after five years from the date of his admission and within ve years from and including the date of his changing from a lower o a higher amount certificate, shall cancel and render null and void he Benefit Certificate to the extent of the increased amount of he benefit, and terminate the rights of all persons thereto.

1. The five year period of limitation does not bar a defense in case of uicide committed after the expiration of said period, and if a member ommits suicide while sane, after the expiration of said five year period, he Order is not liable for the payment of the benefit.—[Wishart Case, ro. 1912, pp. 512, 527.

eath from Violation of Law.

SEC. 473b. If the death of any member be caused by the exces ive use of intoxicating liquor, or be the result of his violation of, r occur while he is violating, any law, the punishment for which death or imprisonment in a State or Provincial prison or peni entiary, his Benefit Certificate shall thereby become and be null and oid.

CHAPTER VIII.

Disability and Old Age.

SEC. 474. A member who becomes totally and permanently dis bled, either as the result of disease or accident, and a member 70 ears of age or upwards, shall be entitled to receive a Disability or ld Age Benefit. The funds for the payment of such Benefits shall e derived by withdrawals, from time to time, from the Emergency und.

SEC. 475. The Benefits provided for in the preceding Section hall only be paid upon the presentation of an application therefor, he surrender and cancellation of the member's Benefit Certificate, nd the execution of a release of all liability thereunder, and the roduction of satisfactory evidence of the facts entitling the mem er to such Benefit, and upon due compliance with all the rules nd regulations adopted by the Executive Committee governing the ayment of such Benefit.

SEC. 476. The amount which shall be given to a member, en tled to a Benefit, as in this Chapter provided, shall be such an mount as the Executive Committee shall deem equitable and just, hich shall be ascertained and determined by taking into consider tion the age, duration of membership, and physical condition of e member.

TITLE VII.

SUBORDINATE COUNCILS.

CHAPTER I.

Institution of New Councils.

Membership.

SEC. 500. A Council shall not be instituted with more than two hundred, nor less than twenty-five, Charter members.

Charter Applicants.

SEC. 501. (1) Each Charter applicant must sign an application for membership, undergo a medical examination, must possess the same qualifications and be subject to the same rules and restrictions provided by the Laws of the Order for applicants for original membership to existing Councils.

(2) He must be present at the institution of the Council, and be obligated and instructed in the secret work, before he is entitled to the privileges and benefits of membership.

(3) Members joining a new Council by Withdrawal Cards must have their cards deposited at time of institution, and show by their receipts for assessments and dues that they are in good standing.

1. There must be actually present at the time of the institution at least twenty-five Charter members. It is not necessary, however, that there should be present twenty-five new applicants, provided there are present a sufficient number of existing members, who deposit Withdrawal Cards, and are signers to the petition for the Charter, to make up the minimum number of twenty-five.—[Decision, Pro. 1900, pp. 55, 333.

Charter Closed.

SEC. 502. The Charter shall be closed at the time of instituting a Council, and no person whose name was not on the petition for Charter can be received as a Charter member after that time.

Charter Applicants to Ballot.

SEC. 503. At the time of the institution of a Council, the signers of the petition for Charter shall ballot among themselves to see whether or not they will associate with, as members of the Order, all the signers of said petition.

Name of Council.

SEC. 504. (1) Each new Council shall, at the time of institution, adopt a name, which shall not be that of a living person or of an existing Council, and which shall not, in the opinion of the Supreme Regent, be inappropriate, improper or unfit for a Council of the Royal Arcanum; provided, however, that the proposed name for a new Council, in a Grand Council Jurisdiction, shall be first submitted to the Grand Regent thereof for his opinion thereon, before its approval by the Supreme Regent.

(2) A Council having been organized thirty days, and adopted a legal name, cannot change it without consent of the Supreme Council, upon recommendation of the Supreme Regent, or of the Grand Council having jurisdiction over it; and the proposed new name must accompany the recommendation for change.

[Sections 505 and 506, relating to consent for institution of new Council by existing Councils, were repealed, to take effect May 21, 1901.]

In Cities Where Twenty Councils.

SEC. 507. A new Council shall not be instituted in a city where twenty Councils already exist, until a special Dispensation has been granted therefor by the Grand Regent, and been approved by the Supreme Regent.

Prescribed Territory.

Sec. 508. A Council shall not be instituted in the territory described as follows: States of Louisiana, Mississippi, Alabama, Florida, South Carolina; that portion of the State of Kentucky lying west of the Tennessee River; that portion of Southeastern Georgia bordering on the Atlantic, included in the Counties of McIntosh and Camden; the State of Arkansas, excepting that part lying north of the thirty-fourth parallel and west of the Iron Mountain Railroad and the Counties of White, Lonoke, Pulaski, Saline, Hot Springs, Clark, Dallas, Grant and Jefferson; and the State of Texas, excepting that part lying between and including the Counties of Fannin, Hunt, Kaufman, Navarro, Limestone, Falls, Milam, Williamson and Travis, on the east, and the Territory of New Mexico, on the west, and between and including the Counties of Travis, Burnet, Llano, Mason, Menard, Irion, Reagan, Midland, Ector and Winkler, on the south, and the northerly boundary line of Texas, on the north, and excepting also the cities of San Antonio, San Marcos and Houston.

In Foreign Countries.

Sec. 509. A Council shall not be instituted in any country outside of the limits of the United States and Dominion of Canada, nor in the Hawaiian Islands, Porto Rico and Philippine Islands, without the consent of the Supreme Council by a two-thirds vote.

Duties of Instituting Officer.

Sec. 510. It shall be the duty of the instituting officer to see that the Medical Examiner is legally qualified, and to certify the fact; to inform the Medical Examiner of the instructions of the Supreme Council to Medical Examiners, and place in his hands a copy of the same; to inspect the applications and medical examinations of all the petitioners, and refer the same to the proper Supervising Medical Examiner for decision; to see that the papers are correct in form, and that the laws are complied with before permitting the applicants to ballot; to explain to the petitioners the duties of each officer of a Council before an election is had; to instruct the officers in their respective duties; to exemplify the secret work, and to sign the Investigating Committee's report on each application; to at once forward a report of the institution of such Council to the Grand Secretary, if in a Grand Council Jurisdiction, or to the Supreme Secretary, if under Supreme Council Jurisdiction, together with the names of the officers of such new Council.

New Council Visited.

Sec. 511. (1) Each new Council, within thirty days after its institution, shall be visited by a Deputy Supreme or Deputy Grand Regent, appointed for the purpose.

(2) It shall be the duty of the Deputy to see that the books are properly opened and kept; and the ritual is fully exemplified; to instruct the officers and members in their duties; to examine the records and roll of membership, and to give advice and instruction as to the manner of soliciting new members.

(3) He shall report to the Supreme or Grand Regent in writing, as to his work and the condition of the Council, within ten days after the completion of his duties.

CHAPTER II.

Charter Applicants Not Present at Institution.

If Unavoidably Absent.

Sec. 512. If a signer of a petition for Charter is unavoidably absent at the institution of the Council, and his fees and a written ex-

planation of his absence have been received, satisfactory to the instituting officer and a majority of the applicants present, he may, if qualified, after being obligated and instructed in the secret work, be recorded as a Charter member of the Council upon a ballot at any stated meeting within four weeks after the institution of such Council.

If Card Member Absent.

SEC. 512a. If a member proposing to join a new Council by Withdrawal Card has signed the petition for the Charter and has not been able to deposit his card by reason of mistake or delay in its transmission, and his fees and a written explanation of the absence of the card have been received satisfactory to the Instituting Officer and a majority of the applicants present, he may be recorded as a Charter member of the Council upon a ballot at any stated meeting within four weeks after the institution of such Council.

If Medical Examination Not Approved.

SEC. 513. A signer of a petition for Charter, who has undergone a medical examination which is not approved at the time of institution, may, if qualified, be elected by ballot, obligated, instructed in the secret work, and recorded as a Charter member at any time within sixty days from the date of institution.

CHAPTER III.

Consolidation of Councils in the Same Place.

Preliminary Action by Councils.

SEC. 514. If two or more Councils in the same State or Province wish to consolidate, each may apply to the Supreme or Grand Regent for a Dispensation permitting such consolidation, and upon the granting thereof, may appoint a committee of three members to meet with a similar committee from the other Council or Councils to arrange the terms of the consolidation. The report of the joint committee, if favorable to consolidation, shall recommend the adoption of the name and number of one of said Councils, and the date on which the consolidation shall take effect; and upon such consolidation taking effect, the Charter of the Council, whose name and number are adopted, shall be and remain the Charter of the consolidated Council.

Preliminary Reports to Supreme Secretary.

SEC. 515. Before said consolidation shall be effected, a complete copy of the roll of membership of each Council, together with a statement of the last assessment paid by each member, signed by the Secretary and Collector, under seal, shall be forwarded to and received by the Supreme Secretary.

Mode of Consolidation.

SEC. 516. If both Councils adopt the report of the committee, the consolidation shall take place under the supervision of the Supreme or Grand Regent, or a deputy appointed for the purpose. Upon being presented with certificates in writing from the Supreme and Grand Secretaries that the accounts of each Council, and all differences in regard to the membership therein, are satisfactorily adjusted, he shall install the officers and make report, if in the Supreme Council Jurisdiction, to the Supreme Secretary, and if in a Grand Council Jurisdiction, to the Grand Secretary, who shall immediately report the consolidation, the date thereof, and the names of the officers of the consolidated Council to the Supreme Secretary.

Consolidated Council.

SEC. **517.** The consolidated Council, under the name and number recommended in the report of the committee, and under the Charter of the Council which had borne the same, shall continue as a Council in all respects as theretofore, excepting as to its officers and By-Laws, which shall be as recommended in said report, or, if not so recommended, as elected and adopted by the Council after such consolidation. Its Secretary and Collector shall add to the membership roll of the Council the names of the members of the Council or Councils consolidated therewith who have not previously received a Withdrawal Card, and within ten days after the consolidation forward to the Supreme Secretary the names of such members in the order of record on the roll and benefit account books of the Council. The Secretary, Collector and Treasurer of each of the Councils thus merged in the consolidated Council shall unite in a report of all its transactions during the year up to the date of the consolidation, and within ten days thereafter forward the same to the Supreme Secretary.

Liabilities of Both Councils.

SEC. **518.** The consolidated Council shall receive all assets and shall assume and discharge all the liabilities of the Councils consolidated.

If Member Does Not Desire Consolidation.

SEC. **519.** A member of either of the Councils proposing to consolidate, not wishing to join the consolidated Council, may pay all assessments payable on or before the date of consolidation, and one additional assessment in advance, and shall receive a Withdrawal Card, free of charge, prior to the consolidation, which card shall be good for thirty days. If he neglects to deposit his card in some other Council within said thirty days, his membership in the Order shall cease on the date when the assessment paid by him in advance shall be payable to the Supreme Treasury. If his application for admission to another Council is rejected, he shall be entitled to the privileges of a member-at-large, as provided in the Laws of the Order.

Reinstatement of Suspended Member.

SEC. **520.** A member of either of the consolidated Councils, who was under suspension at the time of consolidation, may apply to the consolidated Council for reinstatement, and his application shall be received subject to the provisions of the Laws of the Order.

CHAPTER IV.

Existing Councils.—Special Provisions Relating To.

Prescribed Territory.

SEC. **521.** (1) Councils shall not receive applications for membership from persons residing in the States of Texas, Louisiana, Mississippi, Alabama, Florida and South Carolina, excepting, however, that portion of Alabama known as the Alabama side of the town of West Point, in the State of Georgia, bounded as follows: Westerly by a line parallel with and everywhere one mile distant westerly from said State line; northerly and southerly by the northerly and southerly boundary lines of said town extended, and easterly by said State line, and also excepting that part of the State of Alabama within the corporate limits of the City of Phoenix and the City of Girard, and excepting that part of the State of Texas lying between and including the Counties of Fannin, Hunt, Kaufman, Navarro, Limestone, Falls, Milam, Williamson and Travis, on the east, and the Territory of New Mexico, on the west, and between and including the Counties of Travis, Burnet, Llano, Mason, Menard, Green, Irion, Reagan, Midland, Ector and Winkler, on the south, and the northerly boundary line of Texas, on the north.

(3) The admission of an applicant residing in the aforesaid prescribed territory, or in any territory in which the institution of new Councils is prohibited, shall be null and void, and shall confer upon him no right or privilege in the Order, and no Benefit Certificate shall be issued thereon, and the Council so admitting him shall return to him all fees which he has paid.

Councils in the Prescribed Territory.

SEC. 322. (1) All Councils in the State of Arkansas are each limited and restricted to a membership of two hundred, except Helena Council, No. 120, which is limited and restricted to one hundred, and except Quapaw Council, No. 97, and Councils in that part of the State lying north of the thirty-fourth parallel and west of the Iron Mountain Railroad.

(2) All Councils located outside of the aforesaid territory are prohibited from receiving the application of any person residing therein.

(3) When a Council in the aforesaid territory has reached the maximum membership allowed by law, a person residing in the place where such Council is located, shall not be admitted to membership in another Council located in another place in said territory.

(4) The admission of an applicant by a Council in the aforesaid territory after it has reached, and while it has, its maximum membership shall be null and void, and shall confer upon him no rights or privileges in the Order, no Benefit Certificate shall be issued thereon and the Council shall return to him all fees which he has paid.

Suspended Council Not Recognized.

SEC. 325. A Council suspended by the Supreme Regent, or by authority of a Grand Council, shall in no way be recognized as in good standing in the Order until reinstated.

May Fine Officers.

SEC. 327. Councils may, by By-Law, impose fines upon officers for wilful non-attendance at stated meetings. Officers refusing or neglecting to pay, within the time prescribed, such fines, may, by vote of the Council, after notice to the delinquent, be punished as prescribed in Section 313.

CHAPTER V.

Reports and Remittances to the Supreme and Grand Councils.

Councils under Supreme Council.

SEC. 328. Each Council under the immediate jurisdiction of the Supreme Council shall make an annual report for the year ending on the thirty-first day of December, to the Supreme Secretary in accordance with a blank furnished, which report must be in his office on or before the fifteenth day of January of the next succeeding year, and the Council shall produce a receipt for such report to entitle it to receive from the Deputy the semi-annual password.

Councils under Grand Council.

SEC. 329. Each Council working under a Grand Council shall make an annual report to the Supreme Council, as provided in the preceding Section, and in addition thereto shall make such reports as its Grand Council may require.

Reports in Duplicate.

SEC. 330. All annual reports of Councils, except the roll of membership, shall be made in duplicate, and a copy kept on file by the Secretary.

Special Reports to Supreme Secretary.

SEC. 521. Each Council shall forward to the Supreme Secretary a copy of its roll of membership, and statement of its accounts of the Widows and Orphans' Benefit Fund, or portions thereof, whenever required by him.

CHAPTER VI.

Dissolved Councils.

Demand for Charter and Effects.

SEC. 522. Upon being notified of the dissolution of a Council, the Supreme or Grand Regent shall, in person, or through his Deputy, demand the surrender of the Charter, property, and effects of such dissolved Council.

How Delivered.

SEC. 523. When a Council is dissolved, it shall be the duty of its last Regent or, if there is none, of its senior officer, to deliver up the Charter, books, funds, emblems, uniforms, and other property and effects to the Supreme or Grand Regent, or his Deputy. Any officer or member, having the custody of any part of said property or effects, refusing to surrender the same, may be forever excluded from membership in the Order, even if his Council is reinstated.

When Restored.

SEC. 524. All funds and effects received by the Supreme or Grand Council from a dissolved Council, shall be restored in the event of its being reinstated by order of the Supreme or Grand Council, or, as provided by law, by the Supreme or Grand Regent.

Supreme Regent may Rescind Order.

SEC. 525. Any Council suspended or dissolved by the Supreme Regent may be reinstated by him upon the removal of the cause thereof, or he may, for satisfactory reasons, rescind the order of suspension or dissolution.

Mode of Reinstatement.

SEC. 526. In case a Council has been suspended by order of the Supreme Regent for more than three consecutive months, it shall not be reinstated, or the order for its suspension rescinded, until the members desiring to be reinstated, and who have not maintained their good standing under the privilege conferred by Section 449b, have passed a medical examination, as required from original applicants for membership, and paid all assessments to the Widows and Orphans' Benefit Fund, in accordance with the rule governing individual suspended members who apply for reinstatement. The members of a Council reinstated, after it has been in a state of suspension for three consecutive months, shall be thereafter assessed at the ages they have severally attained at the time of the Council's reinstatement.

TITLE VIII.

DEPUTY SUPREME REGENTS.

CHAPTER I.

Duties of Deputy Supreme Regents.

Represent Supreme Regent.

SEC. 550. The Deputy Supreme Regent shall represent the Supreme Regent in the territory not under the jurisdiction of a Grand Council.

Work to be Uniform.

SEC. 551. He shall see that the work of the Councils is uniform in the territory embraced in his commission and instructions.

Report Violations of Law.

SEC. 551a. He shall investigate any violation of the laws, rules and regulations of the Order by a Council under his charge and report thereon immediately to the Supreme Regent.

Official Visits.

SEC. 552. He shall officially visit all Councils placed under his charge, within thirty days of the receipt of his commission, see that they are properly instructed, examine their records, roll of membership and account books, and make a written report of all such visits to the Supreme Secretary within ten days thereafter.

Install Officers.

SEC. 553. He shall install, or cause to be installed, all officers of Councils under his charge. He shall communicate the semi-annual password to the Regent of a Council under his charge only upon the production of a receipt from the Supreme Secretary for the annual report due the Supreme Council.

Other Duties.

SEC. 554. He shall perform such other duties as the Supreme Regent may, from time to time, direct. He shall make a full report of all his official acts to the Supreme Regent in time for him to present it to the Supreme Council at its annual meeting.

TITLE IX.

SUPPLIES FOR THE ORDER.

CHAPTER I.

Supplies for Existing Councils.

Must be Uniform.

SEC. 560. All books, blanks, badges, jewels, regalia, uniforms, and emblems, used by Grand and Subordinate Councils, shall be of the same quality, size, pattern, and material, and in all respects like those prescribed and furnished by the Supreme Council.

1. The use of stationery bearing upon it the name Royal Arcanum, or any seal, design, or insignia of the Order, for any other purpose than the conduct of the legitimate business and purposes of the Order exclusively, except as provided for or suggested in the ritual, is deprecated.—[Rec. Pro. 1901, p. 40.

Forms Prepared by Supreme Secretary.

SEC. 561. All forms of blanks other than bonds shall be prepared by the Supreme Secretary, and including those now in use, shall be numbered in regular order.

When Blanks Obsolete.

SEC. 562. When a blank becomes obsolete, the Supreme Secretary shall notify each Grand Secretary and each officer required to use the same, of the fact, and furnish him with a form of the blank to be used instead.

Price of Supplies at Retail.

SEC. 563. The price of all supplies sold at retail by the Supreme Council to Grand Councils shall be twenty per cent. less than the price fixed to Subordinate Councils; and the Committee on Supplies of the Supreme Council may fix a less rate to Grand Councils when purchases are made in large quantities.

2. It is the approved practice of the Committee on Supplies to dispense rituals and paraphernalia to Councils who have had the misfortune to lose these supplies by fire; and for the Supreme Secretary to assist Councils to replace their records as far as practicable.—[Rec., Pro. 1902, p. 231.

Printed by Supreme Council.

SEC. 564. All Withdrawal and Travelling Cards; roll-books and application records; General Fund, dues and benefit account books; applications for membership shall be printed by the Supreme Council, and must be procured from the Supreme or Grand Secretaries.

CHAPTER II.

Supplies for New Councils.

Sets of Supplies.

SEC. 565. The supplies to be furnished to a Council at the time of institution, with the Dispensation for Charter, shall be:—

Six rituals.
One hundred applications for membership.
One roll-book of membership, application record, and record of beneficiaries.
One General Fund, dues and benefit account book.
Two Withdrawal Cards.
One Treasurer's receipt book to Collector.
One order book on Treasurer.
One Collector's cash book.
One record book, with form for record of attendance of officers.
One Treasurer's cash book for General Fund and for Widows and Orphans' Benefit Fund.
One hundred forms showing dates for payment of regular assessments by members and Councils.
One sample Benefit Certificate.
Fifty Constitutions.
One hundred receipts for dues.
Twenty-five blank bonds.
One ballot-box.
Two gavels.
Four dozen white balls, and one dozen black cubes.
One trunk for paraphernalia.

TITLE X.

REGALIA, JEWELS, AND UNIFORM.

CHAPTER I.

Regalia.

Members Must Wear.

SEC. 570. No member shall be allowed to enter or remain in a Council unless he is clothed in regalia, provided that this shall not apply to new Councils which have not been organized sixty days.

Of Members.

SEC. 571. The regalia to be worn by members in the Council shall be a badge, as follows: A ten-pointed metal star two inches in diameter, each point mounted by a Malta cross; in centre of star the monogram, V. M. C., and a circle one inch around it; the edge, monogram, and circle are raised. It shall be suspended by a metal bar attached to a blue ribbon one inch wide and one and one-quarter inches long, from a metal crown two inches wide at the extreme

points, surmounted by five foliage decorations in relief. It shall bear a plain five-pointed star raised in the centre. The total length of badge shall be five inches. The badge is to be worn upon the left breast. It may be worn at funerals, open meetings of Councils and public gatherings of members.

Badge of Membership.

SEC. 571a. The badge of membership, to be worn in public, on the left lapel of the coat, shall be in the form of a button, and consist of a ten-pointed star, with circle enclosing a crown, in design similar to the Supreme Council seal.

Veteran's Badge.

SEC. 571b. The badge of members who have held membership in the Order for twenty-five years or over, to be known as "Veteran's Badge," shall be a pin to be worn upon the vest, in form of a circular badge of gold, one inch in diameter, the outer edge representing a belt in blue enamel, one-eighth of an inch wide, bearing the words "Royal Arcanum Veteran," the buckle and loop of the belt to be on the lower portion of the circle; the center of the badge to be in white enamel, a large letter V in red enamel lying on the white center, and the figure "25" in gold, to be entwined on the two inclines of the letter "V."

Funeral Insignia.

SEC. 571c. A badge of mourning or a sprig of green attached to the officers' jewels, or to a member's badge, may be worn at funerals of members.

Of Officers.

SEC. 572. Each officer and past officer in the Supreme, Grand, and Subordinate Councils, shall wear, as regalia, the appropriate jewel of his office or rank.

Color of.

SEC. 573. All metal, lace, or embroidery shall be gold or gold color.

Colors of the Order.

SEC. 573a. Purple, red and blue are the distinguishing colors of the Supreme, Grand and Subordinate Councils respectively.

CHAPTER II.

Jewels.

Must be as Prescribed.

SEC. 574. The jewels of the Order shall be as prescribed in this Chapter.

For Supreme Council Officers.

SEC. 575. (1) For all Past Supreme Regents, a five-pointed star laid on a circle.

(2) For Supreme Regent, two truncheons laid parallel on a circle.
(3) For Supreme Vice-Regent, one truncheon laid on a circle.
(4) For Supreme Chaplain, open book laid on a circle.
(5) For Supreme Orator, open scroll laid on a circle.
(6) For Supreme Treasurer, crossed keys laid on a circle.
(7) For Supreme Secretary, crossed pens laid on a circle.
(8) For Supreme Guide, crossed staffs laid on a circle.
(9) For Supreme Warden, crossed swords laid on a circle.
(10) For Supreme Sentry, single sword laid on a circle.
(11) For Supreme Trustees and Standing Committees, a metal badge shaped as a ribbon, curved upward toward the centre, and

scalloped at each end, two inches long and three-eighths inches wide, with the name of the respective office in metal letters on a purple enamel ground, and laid across the centre of the circle. It shall be suspended in the same manner as all Supreme Council officers' jewels.

(12) For Supreme Auditor, a badge of the same size, materials, and design as that prescribed for the Supreme Trustees and Standing Committees, except the title, which shall be that of Supreme Auditor.

For Grand Council Officers.

SEC. 576. For all Past Grand Regents, a five-pointed star laid on a half-circle.

For all other officers of a Grand Council, jewels shall be the same as prescribed for Supreme Officers, except they shall be laid on a half-circle and suspended on a metal bar, having an ornamental point at each end and a circle with monogram V. M. C. in the centre. The bar shall be one and one-half inches long and five-eighths inches wide, attached to a scarlet ribbon seven-eighths inches wide by one inch long from a metal crown one and one-half inches wide at the extreme points, and seven-eighths inches high, mounted with five long and four short points; each long point shall be surmounted by a ball; a cord of bullion shall extend across the middle, and a five-pointed convex star shall be set in the centre.

Jewels for Representatives and Alternate Representatives to the Supreme Council, Grand Trustees and Standing Committees, shall be a metal badge shaped as a ribbon, curved upward toward the centre, and scalloped at each end. It shall be two inches long and three-eighths inches wide, with the name of the respective office in metal letters on a red enamel ground, shall be laid on a half-circle two inches in diameter and three-eighths inches wide, with a scroll ornament engraved in relief on its face, and shall be suspended in same manner as other Grand Council officers' jewels. Total length of jewel, three and seven-eighths inches.

For Subordinate Council Officers.

SEC. 577. For all Past Regents, a five-pointed star suspended from a crown-shaped escutcheon by a blue ribbon.

The Collector shall wear as a jewel, a closed book with a pen laid across it, suspended in the same manner as other Council officers.

The jewel of the Treasurer shall be crossed keys, two and one-quarter inches long, with ornamental handles, suspended in same manner as other jewels, from a crown one and one-quarter inches high and two inches wide at the extreme points. It shall be mounted by five long points with a ball at the apex of each, and a short point between each long one. A cord of bullion shall extend across the middle, and a convex five-pointed star in the centre. Total length, five inches.

For a Trustee the jewel shall be a metal badge in shape of a ribbon, one and three-quarters inches long and three-eighths of an inch wide, turned under and scalloped at each end, with the word "Trustee" in raised letters on front, and suspended the same as other jewels. Total length, three and one-quarter inches.

For all other Subordinate Council officers, the jewels shall be made in proportion to the one described, and shall be the same as prescribed for Supreme Council officers, but shall hang from a crown-shaped escutcheon by a blue ribbon, without circle or any other base, except that the truncheons shall be laid on a section of a circle.

Subordinate Council officers may wear a smaller-sized jewel, if preferred, but it shall in no case be less than three-quarters the size described.

For Medical Officers.

SEC. 578. For Medical Examiner-in-Chief, a rainbow laid parallel on a circle.

For all State Medical Examiners, the jewel shall be the same as prescribed for the Medical Examiner-in-Chief, but laid on a half-circle.

For Medical Examiners, the jewel shall be a rainbow, the same as prescribed for the Medical Examiner-in-Chief, but suspended in same manner as that of Council officers.

For Deputies.

SEC. 579. For Deputy Supreme Regent, same as for Supreme Regent, with letter "D" on the ribbon.

For Deputy Grand Regent, same as for Grand Regent, with letter "D" on the ribbon.

For Members.

SEC. 580. Except the Sitting Past Regent, all Past Regents' jewels worn by members, who have been initiated in the Grand Council, shall be suspended by a red ribbon.

All such jewels, when worn by members who have been initiated in the Supreme Council, shall be suspended by a purple ribbon.

In Grand Councils, except the regular corps of officers, all members who have been initiated in the Supreme Council shall wear the appropriate jewel of their rank suspended by a purple ribbon.

Circles.

SEC. 581. Each circle shall be two inches in diameter, outside the rim, except that of the Medical Examiner-in-Chief, which shall be two and one-half inches in diameter; the jewels to be of sufficient size to lay on the circle. Each circle shall be suspended from a crown-shaped escutcheon by a strip of appropriate colored ribbon or velvet.

Jewels to be of Gold.

SEC. 582. All jewels, or other metal devices of whatever rank, shall be of gold, or metal, gold-plated.

CHAPTER III.

Uniform.

Must be as Prescribed.

SEC. 583. The uniform of the Order shall be worn with black or dark clothes, and shall be as prescribed in this Chapter.

Member Supreme Council and Past Grand Regents.

SEC. 584. For members of the Supreme Council and all Past Grand Regents, black silk plush chapeau, trimmed with two black and one purple plumes, black rosette with purple centre, and gold or gilt ornament on the left side; sword, gold-plated cross hilt, crown-shaped head, and metal scabbard, with appropriate devices and lettering, to be suspended from belt with gold-plated chain; belt, one and three-quarter inches wide, with clasp of appropriate design, gilt chains to suspend sword, cross-belt three quarters of an inch wide, to connect with belt by swivel or other suitable fastening. Belt and cross-belt to be made of purple leather or of purple velvet trimmed on each edge with gold-plated lace and lined with leather. Buff military gauntlet.

For Members of Grand Council and Past Regents.

SEC. 585. For members of the Grand Council and all Past Regents, the uniform shall be the same as for Supreme Council, except where purple is used the material shall be scarlet.

For Members.

SEC. 586. For all other members of the Order, the uniform shall be the same as for Supreme Council, except where purple is used the material shall be blue.

Uniform Not Obligatory.

SEC. 587. The procurement of uniforms by either the Supreme, Grand, or Subordinate Councils, shall be optional with each body; but if any is procured or worn, it must be as prescribed by the Supreme Council.

1. The uniformed rank has no legal relation to the Supreme Council. Its members do not violate any law of the Order in wearing the uniform they have chosen, and, if qualified in other respects, may, while clothed in such uniform, be admitted to the Subordinate Councils, just the same as if they wore their ordinary clothing, dress suits, or the uniform of any other military body.—[Decision, Pro. 1886, p. 27, Rot. ap., p. 210.

TITLE XI.

BOOK OF DUTIES, PARLIAMENTARY LAW, FRATERNAL FEATURES.

CHAPTER I.

The Book of Duties.

Guide in Council Business.

SEC. 600. The Book of Duties is the sole rule and guide for the transaction of the business of Councils, and for conferring the Degree of the Royal Arcanum.

1. New business cannot be transacted in a Council under the head "Good of the Order."—[Decision, Appeal Case, Haddock v. Louisville Council, 243, Pro. 1889, pp. 29, 30, 246.

2. *Viva voce* is the recognized usage of the Order in regard to voting in Grand and Subordinate Councils.—[Res., Pro. 1885, p. 245; promulgated in Cir., Pro. 1886, pp. 13, 192.

3. A motion to adjourn is never strictly in order in a Council. It should be a motion to "proceed to close." This should never be entertained by a Regent until after the prescribed "Order of Business" has been called through.—[Decision, Pro. 1885, pp. 251, 257.] An adjourned stated meeting is not recognized. [Adopted report, Pro. 1892, pp. 267, 268.

4. The Key to the Secret Work should at all times be in the possession of the Regent, and may be procured of the Supreme or Grand Secretaries.—[Accepted report, Pro. 1887, pp. 214, 215.

5. The ceremonials of the Order should receive the same degree of care and attention that has made its business system worthy of universal confidence and respect.—[Adopted report, Pro. 1889, pp. 229, 230.

6. The Regent and Council may permit a Grand Officer to be heard in explanation of a circular from the Grand Regent.—[Appeal of Schade v. Chevalier Council, No. 1039, Pro. 1891, pp. 239, 240.

7. The Committee on Supplies prepare a special and distinct edition of the Book of Duties for the use of Grand Council officers, installing officers, and Deputies. Copies of this edition are furnished to Grand Councils by the Supreme Secretary under such regulations as may be adopted by the Committee on Supplies, at the price of fifty cents per copy. Grand Councils are prohibited from furnishing copies of this special edition to Councils, either as a loan, sale, or gift.—[Res., Pro. 1892, pp. 283, 284.

8. The Committee on Supplies issue to such Councils, as may so request, a copy of the current edition of the Book of Duties in exchange for each obsolete or defaced copy returned to the Supreme Secretary, upon payment of twenty-five cents for each book so exchanged.—[Res., Pro. 1892, p. 284; Pro. 1900.

Must be Adhered to.

SEC. 601. The Book of Duties must be adhered to in all respects, unless special authority to use substitutes for portions thereof is granted by the Supreme Council or the Supreme Regent.

1. All applications for permission to use substitutes must be accompanied by a copy and full description of the work proposed to be used.

together with a pledge on the part of the Council and its officers that the Degree will be conferred from memory, and without the use of the Ritual.—[Cir. Pro. 1895, p. 29; Res., ib., p. 102.] The pledge must be an official act of the Council, failure to comply with which will render the permission inoperative.—[Res. Pro. 1896, p. 229-42.

2. Substitutes not exemplifying the fundamental principles of the Order are not allowed. The Supreme Regent has power to revoke any such permission at his discretion.—[Adopted report, Pro. 188, pp. 271, 272. Adopted report and Res., Pro. 1894.

3. The reading of the minutes cannot be waived and laid over until the next meeting, even by unanimous vote of the Council, if the record book is present, and if not, the Secretary should be sent for it.—[Appeal, Swain v. G. R. Mass. Pro. 1894, p. 319.

4. Any initiatory ceremony not provided for in the Book of Duties is strictly prohibited, except in cases where the Supreme Regent shall, by dispensation, authorize definite changes in part second of Duty IX. All such Dispensations remain in force until revoked by the Supreme Regent. The new form must, in opinion of Supreme Regent, be superior to that now in use.—[Res., Pro. 1894, p. 381.

5. The officers of a Council using an authorized substitute may exemplify the same before and initiate applicants in another Council, upon invitation thereof.—[Pro. 1898.

CHAPTER II.

Cushing's Manual.—Other Rules.

Cushing's Manual the Guide.

SEC. **602.** Cushing's Manual shall govern the parliamentary practice in all departments of the Order, when it does not conflict with any established law or rule of the Order.

1. Anything adopted informally by the Supreme Council is made legal and formal by the subsequent approval of the minutes of such action by legal vote necessary for its adoption.—[Decision, Pro. 1875, p. 63.

2. The acceptance of a report will adopt so much of the report as it recommends for adoption.—[Ruling of S. R. in session, Pro. 1883, p. 186.

3. A motion was made to reconsider the reference of a report, and it was then moved to lay the motion to reconsider on the table, which was carried. Held, that laying the motion to reconsider on the table carried with it the report and proposed reference.—[Decision, Pro. 1891, pp. 366, 366, 367.

4. The mover of a substitute has a right to close the debate on the substitute.—[Decision, Pro. 1891, p. 366.

5. A report looking to legislation having been submitted by unanimous consent on the first day of the session, a point of order was raised that the report could not be entertained. Held, that the point was not well taken.—[Decision, Pro. 1892, p. 274.

6. A Council voted to proceed to the trial of a member upon charges preferred. A member afterward requested leave to record his vote and protest against the vote, and the Council denied the request. Upon appeal, the Council was sustained for the reason that the member failed to prefer his request before the question was decided.—[Appeal, Evans v. G. R. N. J., Pro. 1894, pp. 42-6, 288.

Council Records.

SEC. **602a.** A motion to expunge from the records a correctly recorded vote or proceeding of the Council shall not be entertained nor acted upon.

Other Rules.

SEC. **603.** Any Council may, subject to approval by the Committee on Laws of the Supreme or Grand Council, adopt Rules of Order other than those laid down in Cushing's Manual.

1. A Council may enact a rule of order prescribing the time within which a motion to reconsider may be made.—[Accepted report, Pro. 1892, pp. 146, 147, 151, 161.

2. Code of Rules has the effect of By-Laws, but is without force unless approved by a Committee on Laws.—[Appeal, Pro. 1888, pp. 41, 126. See also report, Com. on Laws, Pro. 1886, p. 259.

CHAPTER III.

Royal Arcanum Days.

Designation of.

SEC. 604. The twenty-third day of June each year is designated as Royal Arcanum Day, the fifth day of November each year as Royal Arcanum Charter Day, and the first meeting night in the month of May of each year as Royal Arcanum Memorial Night.

Social and Fraternal Gatherings.

SEC. 605. The Supreme Regent and each Grand Regent shall annually request the Councils in their respective Jurisdictions to observe Royal Arcanum Day, and Royal Arcanum Charter Day, by social and fraternal gatherings of members, their families and friends, at which addresses may be made on the objects, history, growth, and achievements of the Order, and its fraternal features, illustrated and emphasized; and Royal Arcanum Memorial Night at which, in all the Councils, either singly or collectively, and at the usual meeting place of the Councils or such other places as may be deemed appropriate, may be conducted suitable services in commemoration of the departed members of the Council or Councils participating therein.

CHAPTER IV.

Social and Fraternal Features.

Auxiliaries.

SEC. 606. As a means of promoting the social and fraternal features of the Order, Councils or members may organize auxiliary societies of ladies, hospital associations and employment bureaux.

Entertainments.

SEC. 607. (1) The use of intoxicating liquors at an entertainment by a Council, or the serving thereof in a Council chamber or in a room or place in which, or near which, an entertainment is held, or their use in any way by which a Council derives revenues therefrom, is prohibited.

(2) No program at any entertainment shall contain anything or include any performance of an immoral or immodest character or suggestion.

(3) The giving of pugilistic exhibitions or permitting the same to be given in any Council chamber, or in any place where members attend as a body of Royal Arcanum men, is prohibited.

Member Without Password.

SEC. 608. A visiting brother without the password, shall present for inspection, vouchers showing all dues and assessments paid in full to date, and that he is in good standing, be positively identified by one or more members of the Council, as the person therein named, and be further properly examined before he can be admitted to a Council in session.

TITLE XII.

OFFENCES, PENALTIES, AND JUDICATURE.

CHAPTER I.

Misconduct and Non-feasance of Grand and Subordinate Councils, and Penalties.

Grand Councils.

SEC. 610. Any Grand Council may be suspended or dissolved and its Charter forfeited for any of the following causes:—

(1) For neglecting to hold regular meetings, unless prevented from doing so by some unavoidable circumstance.

(2) When its membership diminishes to less than six in number.

(3) For neglecting or refusing to make its returns or pay its dues to the Supreme Council.

(4) For neglecting or refusing to conform to the Constitutions, Laws, or Regulations of the Order.

(5) When the membership in a Grand Council jurisdiction falls below one thousand, it may be suspended or dissolved as provided by Section 145a.

Subordinate Councils.

SEC. **611.** Any Council may be fined, suspended, or dissolved and its Charter forfeited for any of the following causes:—

(1) For neglecting to hold regular meetings, unless prevented from doing so by some unavoidable circumstance.

(2) When, after having been organized one year or longer, its membership in good standing is less than sixteen.

(3) For non-payment of its dues or other obligations to its Grand or the Supreme Council.

(4) For failure to make the semi-annual or annual reports, as required by law, or to properly correct the same, when so required by the Supreme or Grand Secretary.

(5) For neglecting or refusing to conform to the Constitutions, Laws, or Regulations of the Order, or for violation of the provisions of this Chaptet.

(6) For any act of wilful insubordination or contempt of any superior authority in the Order.

Prohibited Circulars.

SEC. **612.** (1) No circular, resolution, or document relating to the ritual, laws or general managment of the Order, or making an appeal to any Council for relief, shall be published, issued or circulated by a Council or member of the Order, or be read in or acted upon by any Council, unless the same shall bear the approval of the Grand Regent of the jurisdiction in which it is published, issued or circulated, or of the Supreme Regent, if published, issued, or circulated under the immediate jurisdiction of the Supreme Council.

(2) No circular, resolution or document abusive of any officer in the Order, or any appeal for money or assistance through any lottery scheme, shall be published, issued or circulated by any Council or member of the Order.

(3) No appeal to the Councils for voluntary contributions to the family or beneficiary of a qualified applicant, who has died before receiving the Degree, or of a suspended member, shall be authorized in any case where the failure to receive the Degree or the suspension was owing, wholly or in part, to the negligence or misconduct of the deceased or his agent.

1. A Grand Regent may or may not assign a reason for withholding his approval of the circulation of a resolution or document, and if the reason assigned is unsound, but approval withheld, a document cannot be lawfully circulated.—[Appeal, Polaris Council v. Grand Regent of New York, Pro. 1911, pp. 40, 55.

How Suspension, etc., Ordered.

SEC. **613.** The suspension, dissolution, or forfeiture of Charter of a Grand or Subordinate Council may be ordered by a majority vote of the Supreme Council at a regular meeting, or at a special meeting called for the purpose, or by the Supreme Regent during the recess of the Supreme Council, in the manner set forth in this Title. But nothing contained in this Title shall prevent the suspension or dissolution of any Grand or Subordinate Council for failure to pay any tax, assessment, or other dues, or for failure to make re-

turns, or the suspension of members for non-payment of assessments to the Widows and Orphans' Benefit Fund, fines or fines without charges or trial, as otherwise provided by the Laws of the Order.

Summary Action by Supreme Regent.

SEC. **614.** The power to suspend or dissolve a Grand Council may be exercised by the Supreme Regent, summarily, without trial, for the first, second, third and fourth causes enumerated in Section 610.

Summary Action by Supreme Regent or Grand Regent.

SEC. **615.** The power to suspend or dissolve a Council may be exercised by the Supreme Regent, summarily, without trial, for the first, second, third, fifth and sixth causes enumerated in Section 611. A Grand Regent may summarily suspend a Council for the same causes.

CHAPTER II.

Misconduct and Non-feasance of Officers.

OF ALL OFFICERS.

Offences and Penalties.

SEC. **616.** Any officer of the Supreme or a Grand Council or of any Council, may be removed or suspended from his office, and a successor to such officer may be appointed in the manner provided in this Title, or he may be suspended or expelled from the Order, for misconduct in office, for incompetence or persistent neglect of the duties of his office, for any refusal or neglect to obey any lawful order or direction, or for demanding, or receiving from a beneficiary of a deceased member a fee or payment for preparing or assisting in the preparation of the proofs of his death, or for any wilful insubordination or contempt of any lawful higher authority in the Order, or for any offence against the provisions of Chapter III, of this Title.

1. A Treasurer of a Council who is a party to an attachment laid in his own hands as Treasurer with a view of diverting the fund from the payment of the beneficiary of his deceased brother, and subjecting it to the payment of the debt of a copartnership, is guilty of conduct contrary to his duties as an officer and member of the Order in relation to the beneficiary.—[Adopted report, Ober Case, Pro. 1893, p. 207.

2. Complaint was made by members against an officer of a Council, the Inquiry Committee reported charges, a trial was had and the officer convicted. Upon appeal the Grand Regent decided that the Council had not the right to try an officer. Upon appeal the Supreme Regent reversed the Grand Regent's decision, and the case was remanded for such further action on appeal to the G. R., (on the merits of the case) as the appellants desired to take.—[Appeal Uhle of Rockton Council, No. 227, vs. G. R. of N. Y., Pro. 1893.

OF SUPREME OFFICERS.

How Suspension of Supreme Officers Ordered.

SEC. **617.** (1) Whenever it shall appear to the satisfaction of the Supreme Regent, upon a charge or complaint made in writing, duly verified, that any officer of the Supreme Council has been guilty of any misconduct which constitutes any cause for suspension or removal from office upon any of the grounds mentioned in Section 616 of this Chapter, the Supreme Regent shall refer such charge, or complaint, to a Committee of five members of the Supreme Council, to be appointed by the Supreme Regent, at least three of whom shall be Representatives to the Supreme Council, and not more than one member of said tribunal shall be a resident of, or representative from, the same jurisdiction. Said Committee when duly appointed, shall constitute a tribunal for the investigation and hearing of such charges; and such tribunal shall have the power, upon evidence which, in the judgment of a majority of the members thereof, justifies such action, to order the suspension from office of such officer,

and the Supreme Regent shall appoint a successor ad interim to su
suspended officer. The order of suspension, made by said tribunal
aforesaid, shall be binding and take effect as to all parties in inter
immediately upon the delivery thereof to the suspended officer, or t
leaving of the same with a person of suitable age and discretion
his last usual place of residence or business.

(2) In case an accusation shall be presented against the Supre
Regent, then such charge or complaint shall be preferred to the S
preme Vice Regent, and the Supreme Vice Regent shall have t
power to appoint the tribunal to be constituted as, and to have t
authority conferred by, the previous provisions of this Section.

The Citation.

SEC. **618.** When an order for the suspension of any officer of t
Supreme Council is issued under Section 617, such order shall be a
companied with a citation to the officer suspended, requiring him
appear before the tribunal issuing the citation, at a place and at
time designated therein, not less than twenty nor more than thir
days from the date of such citation, and to show cause why su
order of suspension should not remain in force until the next sessi
of the Supreme Council.

Copy of Accusation.

SEC. **619.** A certified copy of the accusation, and all evidence r
duced to writing, on which such order was granted, shall accompa
the citation.

Citation may Precede Suspension.

SEC. **620.** Whenever any charge is referred to the tribunal me
tioned in Section 617, said tribunal may, before ordering suspensio
issue a citation accompanied with a copy of the accusation, whi
shall be served in the manner provided in Section 617, requiring t
accused officer to appear at a place and time therein designated,
provided in Section 618, to show cause why he should not be su
pended or removed.

The Hearing.

SEC. **621.** On the day and at the place designated in the citatio
issued under this Chapter, the tribunal authorized to issue the sam
or any three members thereof, shall, unless good cause shall appear
their judgment for adjournment of the hearing, proceed to hear t
evidence offered by the accused and the accuser, with power to adjou
from time to time, and from place to place. They shall permit cou
sel to be heard on both sides.

The Decision.

SEC. **622.** (1) Upon all the evidence and arguments adduc
said tribunal may continue or revoke any order of suspension befo
granted, or if such orders have not been issued, may grant the sam
to continue until action thereon at the next session of the Supre
Council. Such orders shall be binding upon all persons and Council
until annulled by the Supreme Council in session.

(2) In case said tribunal shall revoke any order of suspensio
made pursuant to Section 617, then the appointment made by the S
preme Regent of a successor for such suspended officer shall likewi
be revoked, and all authority of such appointee to discharge t
duties of such office shall cease upon service upon him of notice
such revocation.

Action Reported to Supreme Council.

SEC. **623.** At the first annual or special meeting of the Supre
Council, following any suspension ordered under the provisions
Section 617, the tribunal ordering the same shall, on the first day

the session, submit a report of all the evidence and findings, and action thereon, to the Supreme Council, who shall review the same, if requested by the suspended officer or accuser, and approve or disapprove such findings and actions as the justice of the case may require; and may order that such suspension shall take effect as a final removal of such officer from the date of the order granted upon the hearing by the removing tribunal under Section 615, or from a date fixed by the Supreme Council. The action of the Supreme Council on such report shall finally conclude all persons and Councils interested.

Loss of Salary, etc.

SEC. **624.** Any officer whose suspension, ordered or continued, after a hearing, as provided in Section 621, is approved by the Supreme Council, shall not be entitled to any salary or other compensation or rights as such officer from the date of the first order of suspension.

CHAPTER III.

Offenses of Members.

Violation of Law.

SEC. **625.** Any member of the Order who shall be found guilty of violating any provisions of the Constitutional or General Laws of the Order, shall be fined, suspended, or expelled, as the Laws of the Order may prescribe.

Felony.

SEC. **625a.** Any member of the Order who shall be guilty of any felony shall be expelled from the Order.

Misdemeanor.

SEC. **625b.** Any member who shall be guilty of a misdemeanor punishable by imprisonment, and who has been finally sentenced to imprisonment, may be expelled from the Order.

Habitual Drunkard or User of Narcotics.

SEC. **625c.** Any member of the Order who shall become an habitual drunkard, or habitual user of morphine, cocaine, opium or other narcotic, shall, upon conviction thereof, be expelled.

Revealing Secret Work.

SEC. **626.** A member who shall improperly reveal any of the private words, tokens, signs, grips, passwords (past or present), mode of procedure to gain admission into a Council, Degree ceremony, or any private business transacted in a Council,—all of which are secrets to be kept inviolate,—shall, upon conviction thereof, be expelled.

Conduct Unbecoming a Member.

SEC. **627.** A member who shall be guilty of any immoral or improper practice, conduct or act, violative of his duties or of the obligation, and unbecoming his profession as a member of the Order; or of the excessive use of intoxicating liquors; or who shall enter his Council in a state of intoxication; or who shall attempt to commit suicide; or who shall assign or transfer his Benefit Certificate to his creditor in payment of or as security for his indebtedness to such creditor, shall, upon conviction thereof, be suspended or expelled.

1. The suppression or concealment of important or essential facts in relation to a business transaction by a member, by which other members are induced to engage in such business enterprise, may amount to conduct unbecoming the profession of a member of the Order, and a violation of the obligation taken by members, for which the offending mem-

ber may be tried.—[Report adopted in Case of Considine et al., Missouri Case, Pro. 1899, pp. 389, 391. See Note 1, Sec. 201.

2. A member charged another with violating his obligation and defrauding a brother of his just dues. They had differed on financial matters purely personal to each other. The Council recommended that no action be taken. Upon appeal the Grand Regent dismissed the case. The Supreme Council approved the decision.—[Appeal, Spalding v. G. R. Tenn., Pro. 1896, p. 462.

3. A Council was invited to attend church and listen to a discourse adapted to the occasion (Sunday immediately following Royal Arcanum Day, June 28). The Council decided the invitation was out of order on the ground it was introducing something of a sectarian character at a Council meeting. Upon appeal, held: the acceptance of such an invitation does not come within the prohibition of our obligation.—[Appeal, Klein, a. G. R. N. J., Pro. 1894.] It was further held: the right to accept or decline such invitation would not include authority to consider and debate a matter of sectarian character.—[Adopted report of Com. on Secret Work, Pro. 1894, pp. 319, 372.

Divulging Opposition to Applicant.

SEC. **628.** A member who shall divulge to an applicant for membership the name of a member who reported unfavorably upon his application, or otherwise opposed said applicant becoming a member of the Order, shall, upon conviction thereof, for the first offence, be fined a sum not exceeding five dollars, and for the second he shall be suspended.

Admission by Misrepresentation.

SEC. **629.** If any member shall have obtained admission or reinstatement into the Order by false statement, concealment, deception, or evasion of facts, either in his application, in his answers to the questions in his medical examination, or in his representations to the Investigating Committee, regarding his personal or family history, or present condition of health, age, habits, or character, he shall be liable to expulsion therefor. On the receipt of satisfactory information, the Supreme Regent, the Grand Regent, or the Regent of his Council, shall institute inquiries touching the manner by which such member obtained his admission or reinstatement into the Order. If it appears that the case demands investigation, the member shall be brought to trial in the form provided in the Laws of the Order; and if the charge of falsehood, evasion, deception, or concealment of facts be sustained, the member so charged shall be expelled from the Order.

Improper Use of Funds.

SEC. **630.** Should a member appropriate any of the funds or the effects of the Order, or any department thereof, to his own use, contrary to the Constitutions, Laws, and Regulations, he shall, upon conviction thereof, be expelled.

1. A Collector was indebted to a Council and gave notes in settlement. He also had deposited $35 of Council funds in a bank just before it failed. Later on the same brother was elected and installed as Collector for the ensuing term. Upon appeal, held: that such indebtedness did not furnish competent testimony upon which a conviction of misappropriating funds could be sustained; that his installation while indebted to the Council was illegal; and that he could not be appointed Collector pro tem, until a vacancy could be filled.—[Appeal, Cowan and Sullivan v. G. R. Tenn., Everett Case in Nashville, No. 2, Pro. 1894, pp. 344-5.

Improperly Obtain Sick Benefits.

SEC. **631.** A member making use of any improper means to obtain sick benefits, shall, upon conviction thereof, be suspended or expelled.

Failing to Attend Sick Members.

SEC. **632.** Should any member fail or neglect to perform the duty assigned him, to attend sick or disabled members of his Council,

he may be fined in any sum not less than one dollar for such neglect or failure, by vote of his Council, without formal trial.

Preferring False Charges.

SEC. 632. If a member of the Order shall make to his Council, or to its Regent, a complaint against a member of his or any other Council, that shall prove to be unfounded, or false and malicious, the Regent shall disclose the name of the informant to the Council, on a demand of a majority of the members present, that he may be fined, suspended, or expelled, after trial.

Improper Use of Name of the Order.

SEC. 634. A member who shall use the name Royal Arcanum, or the letters V. M. C., or the figures 1195, either alone or in connection with any other word or words, figure or device, or design, as a name of any other benefit society or other enterprise for paying sick or death benefits, not authorized by the Supreme Council, or who shall use the name Royal Arcanum, or the letters V. M. C., or the figures 1195, in connection with any social club, society or organization not exclusively conducted by actual members of this Order, shall be suspended or expelled, on conviction thereof, after trial.

Conviction Defined.

SEC. 634a. The word conviction wherever used in this Chapter is hereby defined to mean, conviction upon a trial had under and in accordance with the Laws of the Order.

CHAPTER IV.

Summary Suspension and Removal of Grand and Subordinate Officers.

By Supreme or Grand Regent.

SEC. 635. The Supreme or Grand Regent shall have original power to suspend or remove any officer of a Grand or Subordinate Council for any cause mentioned in Section 616, which power may be exercised summarily without citation or notice, and his action under said power shall conclude all persons and Councils until such action is annulled; and he shall fill the vacancy caused by such suspension or removal, and in case of any suspension the appointee to hold office during such suspension or in case of removal until such removal is annulled or until an election shall be had under the laws.

Charges Referred.

SEC. 636. When any suspension or removal is ordered, under the provisions of the preceding Section, the officer ordering the suspension or removal shall, within five days thereafter, cause a charge or charges against the officer suspended or removed to be preferred, and referred to Trial Committee, as provided in Section 651.

Disqualification by Removal.

SEC. 637. Any Supreme, Grand or Subordinate Council Officer, or Representative or Alternate Representative to a Grand Council, who shall have been suspended or removed from office since August 1, 1906, shall thereby be disqualified from election or appointment to, or the holding of, or serving in, any office in the Order during the period of suspension or, in case of removal, until the same is annulled, or until such disqualification shall be removed by the Supreme Council upon his petition filed with the Supreme Secretary thirty days at least before the meeting of the Supreme Council to which such petition is presented.

CHAPTER V.

Complaints and Charges.

AGAINST GRAND OR SUBORDINATE COUNCILS.

How Charges Preferred.

SEC. **638.** The Supreme Regent, when, in his opinion, any Grand or Subordinate Council, or a Grand Regent, when, in his opinion, any Council within his jurisdiction, shall be amenable to a charge or charges for a violation of the provisions of Chapter I, of this Title, shall cause such charge or charges to be preferred in the name of the Supreme or Grand Council, and refer the same to a Trial Committee, to be constituted as provided in Section 652; provided, that when any complaint or charge against a Council in a Grand Jurisdiction is filed with the Supreme Regent, he may, in his discretion, refer the same to the Grand Regent for investigation and trial. Nothing in this Section contained shall be construed to limit the summary powers to suspend or dissolve Grand or Subordinate Councils conferred upon the Supreme and Grand Regent in Sections 614 and 615.

AGAINST GRAND OR SUBORDINATE OFFICERS.

Any Member may Accuse.

SEC. **639.** Any member of the Order may cause a charge or charges to be filed with the Grand or Supreme Regent against any officer of a Grand or Subordinate Council. If the Grand or Supreme Regent shall deem the charge or charges sufficiently specific and to charge a violation of duty or of law mentioned in Section 616, he shall refer the same to a Trial Committee, as provided in Section 652.

1. Investigation by a Council of a complaint to the Supreme Regent against one of its officers is not illegal, but is not binding upon any one.—[Appeal Cotterill vs. Rainier Council, No. 1280, Pro. 1897, pp. 64, 377.

2. Charges were preferred against a member, he was tried and acquitted by a Council. An appeal was taken to the Grand Regent, on the ground that the facts did not justify the acquittal, and the Grand Regent directed that a new trial be had before a committee of Grand Council officers appointed for that purpose. Held: that the Grand Regent had no authority to appoint a Trial Committee to try the member for an offence as a member.—[Appeal, Macbeth vs. G. R. N. Y., Pro. 1897, pp. 76, 460.

3. A Grand Regent may refer to a Trial Committee a charge against an officer for an offence specified in Sec. 627, it being a violation of law mentioned in Sec. 616.—[Appeal, Little vs. Ocean Hill Council, No. 1134, Pro. 1897, pp. 70, 442.

CHAPTER VI.

Jurisdiction of the Supreme Council in the Misconduct of Members.

Original Jurisdiction.

SEC. **640.** If it shall appear to the Supreme Council, or during the recess thereof to the Supreme Regent, upon a charge or complaint made in writing, or otherwise, or if it shall in any other manner appear probable, that any member of the Order is amenable to a charge or charges of a violation of any provision of the Constitutions or Laws of the Order, or of any obligation or duty as a member or officer, the Supreme Council, or during the recess thereof, the Supreme Regent, may cause any proper charge or charges, if filed, to be preferred, or if not filed, may cause the same to be preferred in the name of the Supreme Council, against the member complained of, and referred to a Trial Committee, appointed as provided in Section 652, for trial, or the said complaint may be referred to the Grand or Subordinate Council having jurisdiction over the member

complained of, for investigation or trial. The jurisdiction of the Supreme Council and the Supreme Regent, in the trial of cases arising under this Section, is original and in addition to the appellate jurisdiction exercised in cases of trials by Grand and Subordinate Councils.

When Jurisdiction Exercised.

SEC. 641. When Grand Councils have jurisdiction over their officers and members and Councils under their jurisdiction; when Councils have jurisdiction over their officers and members, in like cases to those set forth in the preceding Section,—the Supreme Council or the Supreme Regent shall not exercise original jurisdiction, except by removal of trial in cases provided for in Section 682, unless said Grand or Subordinate Council, its officers, or Inquiry or Investigating Committee, shall fail to prefer a charge or charges or bring to trial the offending officer or member within thirty days from the commission of the alleged offence; or, if he be tried and found guilty, shall not inflict the penalty therefor within ten days after said finding. But the Supreme Council shall have original jurisdiction in all cases of its own officers and members.

1. A complaint was referred to and considered by the Inquiry Committee, who reported to the Regent that there were no grounds for charges. Held, that the Council had failed to bring the member to trial, and the Supreme Council could legally exercise original jurisdiction.—[Decision on appeal in session, Pro. 1889, p. 220; Reaffirmed after trial and conviction, Missouri Case, Pro. 1890, pp. 760, 761. See Note 1, Sec. 627.

2. A Council was ordered by the Supreme Council to try a member for violation of the laws; the trial was had in the manner prescribed by the Supreme Council, and the member adjudged not guilty. Held, that no one outside of that Council has the right to make complaint against the decision; and there being no appeal by a member of that Council such trial is a finality.—[Report and Res., Goddard Case, Pro. 1891, pp. 382, 383.

CHAPTER VII.

Preferring Charges against Members in Councils.

Regent to make Complaints.

SEC. 642. It shall be the duty of the Regent, by virtue of his office, and in the name of his Council, to make complaint against any member thereof amenable to the penal provisions of the Constitutions and Laws, and immediately refer the same to the Inquiry Committee; but this Section shall not excuse any other officer or member of the Order, cognizant of the facts, from making such complaint.

1. Charges may be preferred against a member in good standing for violation of the Laws of the Order while he was under suspension by sentence of the Council.—[Decision, Pro. 1885, pp. 254, 257.

2. A member while under suspension for non-payment of an assessment cannot be expelled, even if guilty of an offence for which expulsion is the penalty. He can be rejected by ballot on application for reinstatement.—[Decision, Pro. 1885, p. 257.

3. For neglect of a duty imposed by a By-Law of a Council, a fine prescribed in such By-Law may be enforced by the Council without formal charges and trial.—[Decision, Pro. 1886, pp. 38, 240, 241.

4. An insane member cannot be tried or suspended by a Council.—[Decision, Pro. 1887, pp. 30, 221, 222.

Complaints.—How Made.

SEC. 643. If an officer or member shall violate any of the provisions of the Constitutions, Laws, Regulations, or Usages of the Order, it shall be the duty of any member, who may come to the knowledge of the same, to immediately give a written notice of such violation or transgression to the Regent of the Council to which the complainant belongs (a member may make written complaint in open Council). The Regent shall forthwith refer a copy of such communication (concealing the name of the informant) to the Inquiry Committee.

1. A Council cannot impose a fine upon an officer for neglect of official duty, without a trial had upon charges preferred.—[Appeal, Wasseman v. Chattanooga Council, No. 197, Pro. 1888, pp. 54, 222.

Complaint against Member of Another Council.

SEC. **644.** A member in good standing may make a written complaint to the Regent of his Council against a member of another Council. The Regent shall forward a certified copy of the complaint, attested by the Secretary, under seal of his Council, to the Regent of the Council of which the accused is a member. Such complaint shall be referred to the Inquiry Committee by the Regent, in like manner as if represented by a member of his own Council.

The Inquiry Committee.

SEC. **645.** The Vice-Regent, Orator, Sitting Past Regent, Chaplain and Guide, shall be the Inquiry Committee, unless by sickness, absence, or other disqualification hereinafter named, either of them cannot serve, in which case the officer next in rank below the rank of Guide, who is not disqualified therefor, as herein provided, shall serve on such committee; and in case there are not sufficient officers qualified to act, then the committee may be filled, by appointment of the Regent, from the members of the Council. If any officer or member, who would otherwise be eligible to serve upon such committee, is a relative of the accuser or accused, or his business partner or employer, or employee, or is in the employment of his employer, then such officer, or member, shall thereby be disqualified from serving on such committee.

1. The word "absence" as used in Sec. 645, means not necessarily an absence from the meeting at which the committee is appointed, but such absence from the locality of the Council or from home as would preclude an officer from properly and seasonably performing the duties of the committee.—[Decision, Pro. 1897, pp. 22, 36.

Investigation of Complaint.

SEC. **646.** The Inquiry Committee shall proceed, without delay, to investigate the matters stated in a complaint referred to them by the Regent, and if, in their opinion, there are just grounds therefor, they shall, as early as practicable, prefer a charge or charges against the accused, specifying therein the particular matter of offence with which he is charged.

Accused to be Heard.

SEC. **647.** When the Inquiry Committee shall have obtained evidence which, in the opinion of a majority of them, will justify the presentation of a charge or charges, they shall, before presenting the same, notify the accused of their finding, and give him an opportunity to present rebutting evidence, and upon the whole hearing they shall make their report to the Council. And if in such report charges are preferred, they shall be read in open Council at a stated meeting thereof and entered upon the records.

1. The Inquiry Committee is not the tribunal to try the member. If a charge is admitted by accused previous condonation by the Council does not justify the committee in ignoring the charge. It is also the committee's duty, if there is fairly probable grounds to believe a charge true, to report the charge to the Council, that the accused may be tried thereon.—[Appeal Walther vs. Suburban Council, No. 1354, Pro. 1897, pp. 66, 441.

Charges Forwarded.

SEC. **648.** When a charge or charges are preferred the Secretary shall immediately forward the report of the Inquiry Committee together with the evidence, if any is presented therewith, under seal of the Council to the Grand Regent, or if the Council is in a Supreme Council Jurisdiction to the Supreme Regent, who shall appoint a trial committee as provided in Section 652.

The Charges.

SEC. **649.** The charges shall be sufficient if they state clearly the accusation, although not in technical terms.

1. A member was expelled without trial, the Council practically ignoring the provisions of law relating to trial of members. The action of the Council was reversed. *Held:* that a member, no matter what offence he may have committed, is entitled to a fair and impartial trial, conducted in accordance with the procedure provided in our Constitutions and Laws.—[Decision, Appeal, Spang *v.* Leechburg Council, No. 1045, Pa., Pro. 1894.] Re-affirmed in Appeal case of Hoage *v.* Roseville Council, No. 982, N. J., Pro. 1894, and held: that every member, no matter how pestiferous or guilty he may be, is entitled to a fair and impartial trial, had in accordance with our laws, and the evidence must be sufficient to justify the finding of the Council.

When Complaint cannot be Dismissed.

SEC. **651.** A complaint cannot be dismissed or indefinitely postponed after the Inquiry Committee has reported a charge or charges to the Council, or after charges preferred in open Council by a member have been found to be sufficient in form, but a trial must be had.

CHAPTER VIII.

Trials Ordered by the Supreme or Grand Regent.

Trial Committee.

SEC. **652.** When any charge is referred for trial by the Supreme or Grand Regent, a Trial Committee shall be appointed by the officer so referring, to consist of not less than three and not more than five members of the Order, who shall, if practicable, be members of the Supreme or Grand Council over which the officer referring the charge presides.

1. As to Trial Manual, see Pro. 1894, p. 239, and Pro. 1895, p. 242.

Ineligibility for Trial Committee.

SEC. **653.** The following described persons shall be disqualified to act as members of a Trial Committee appointed by the Supreme or Grand Regent, viz.:—

On charges against a Grand Council, members subject to its jurisdiction.

On charges against a Council, or officer or member thereof, members of the same Council.

The Citation.

SEC. **654.** The Trial Committee shall transmit a copy of the charge or charges to the Grand Secretary of the accused Grand Council, or to the Secretary of the accused Council, or to the officer or member, together with a citation to the party so charged, to appear before said committee to answer and stand trial upon said charge or charges at the place and time in said citation mentioned, which time shall not be less than ten nor more than thirty days from the date of mailing of said citation.

Service of Citation.

SEC. **655.** It shall be deemed a sufficient service of the copy of the charges and of the citation if they are mailed by the Chairman of the Trial Committee in registered letter to the last known post-office address of the Secretary of the accused Grand or Subordinate Council, or of the officer or member.

If Accused Fails to Appear.

SEC. **656.** If the accused fails to appear in obedience to the citation, after due service thereof, or evades such service, or upon a plea of guilty, the Trial Committee issuing the citation may make an order imposing any of the penalties provided in Section 660.

Taking Testimony.

SEC. 657. The Trial Committee, or a majority of them, sha meet at the time and place named in the citation, and shall then an there hear, and reduce to writing, all testimony taken. They ma take testimony *ex-parte* to determine the facts, nature, and degre of the offence, if the accused pleads guilty, or fails to appear aft due service of citation. Testimony shall be signed by the witness so testifying.

Committees' Decision.

SEC. 658. (1) The Trial Committee, or a majority thereof, sha submit to the Supreme Regent or Grand Regent appointing it written report and opinion; in which, if the party tried be foun guilty, they shall declare the penalty that, in their judgment, shou be enforced against the offender.

(2) If the Trial Committee shall have been appointed by a Gra Regent and the penalty recommended shall be suspension or expu sion from the Order, or if a less penalty is recommended and in h judgment the penalty should be increased to suspension or expulsio he shall submit to the Supreme Regent said report, opinion and re ommendation, with his own opinion thereon.

Enforcement of Decision.

SEC. 659. (1) The Grand Regent by whom the committee appointed is hereby fully authorized, if the penalty is less in degr than suspension or expulsion, to enforce the penalty recommend in the report and opinion of the Trial Committee, if it meets h approval, or he may increase or diminish such penalty and enfor the same in like manner. If in his judgment the penalty should increased to suspension or expulsion, he shall make submission the Supreme Regent as provided in Sec. 658.

1. A Grand Regent is not clothed with authority to reverse the fin ings of fact of a Trial Committee. He may increase or diminish t penalty recommended, but when a trial committee determines that t accused is not guilty of the offense charged against him his innocence established, and a Grand Regent cannot set the findings aside, pronoun judgment of conviction and direct the enforcement of a penalty.—[Appe Darling Council, No. 88 *ex.* Grand Council of Pa., Pro. 1912, pp. 44, 48.

(2) The Supreme Regent is hereby fully authorized and e powered to enforce the penalty recommended in the report a opinion of the Trial Committee if it meets his approval, or he m increase or diminish such penalty, and also enforce, increase or minish any penalty recommended either by the Trial Committee the Grand Regent in a case submitted to him by a Grand Rege and enforce all of the same in like manner as though recommend by a Trial Committee.

(3) The Supreme Regent shall report the case and his acti thereon, together with the recommendations of the Trial Committ at the next annual meeting of the Supreme Council, and the Gra Regent shall, in cases reported to him, make like report to his Gra Council; but his decision and action shall be in full force and eff until reversed by the Supreme Council or the Grand Council to wh such report is made; provided, however, that if an accused memb has been found not guilty, and makes a request in writing theref the Supreme or Grand Regent may omit reference to the case in annual report.

1. Officers of a Council were, after trial, removed and reprimanded the Grand Regent, for refusing and neglecting to conform to the La of the Order. Upon appeal, the action of the Grand Regent was proved, and the principle laid down that an illegal act is not justifi even if the officer who performs it thinks he is doing or subserving best interest of the Order.—[Appeal, Brazer and others, of Suffolk Cou cil, No. 69, *v.* G. R. Mass., Pro. 1882.

The Penalty.

SEC. **660.** The penalty recommended and declared by the committee may be that of expulsion from the Order, removal or suspension from office, suspension from membership, or both, or pecuniary fine, or a reprimand. In case the penalty is a pecuniary fine, such fine shall be paid, in case the committee is appointed by the Supreme Regent, to the General Fund of the Supreme Council; and in case such committee is appointed by the Grand Regent, to the General Fund of his Grand Council.

Filling Vacancy in Office.

SEC. **661.** In cases of the removal or suspension from office of any officer under the provisions of this Title, unless the vacancy thereby created is immediately filled by election by the Grand or Subordinate Council of which the person removed was an officer, the authority ordering such suspension or removal shall forthwith appoint a successor to fill the office for the unexpired term, or, in case of suspension, until the officer suspended is legally reinstated in such office.

Turn Over Property.

SEC. **662.** An officer receiving notice of his suspension or removal from office, and of the election or appointment of his successor, shall thereupon turn over to his successor in office all books, papers, money, and other property of the Order, or any department thereof, in his possession, with a proper account thereof.

CHAPTER IX.

Mode of Procedure.

Pleading by Accused.

SEC. **663.** The accused may plead to charges made against him, or any specification of any of said charges, as follows: First, as to jurisdiction; second, to the sufficiency of the charges and specifications, both as to form, and as to whether any crime, misdemeanor, or other offence is properly charged; third, as to whether defendant is guilty or not guilty; fourth, as to any other matter of defence.

No Ex-parte Statement.

SEC. **664.** Upon the trial of a member, an *ex-parte* statement cannot be introduced as testimony; his wife cannot be permitted to testify, but all evidence tending to a fair investigation of his case may be admitted.

Testimony on Every Specification.

SEC. **665.** Every specification of a charge, that in itself imports a direct offence against the Laws of the Order, must be inquired into by testimony during the trial.

If Guilty of Felony or Misdemeanor.

SEC. **666.** (1) A member who has been convicted, or who shall be hereafter convicted, of a felony, punishable by death or imprisonment, and who has been finally sentenced to death or imprisonment, shall, and a member who has been or shall be hereafter convicted of a misdemeanor punishable by imprisonment, and who has been finally sentenced to imprisonment may, on report of the Inquiry Committee, be expelled from the Order without the usual trial; provided, that no proceedings for such expulsion shall be taken while proceedings for reversal of the judgment or sentence shall be pending and undecided. A certified copy of the judgment or the certificate of the court or magistrate before whom such conviction and sentence were had, and final sentence pronounced, shall be sufficient evidence to justify the expulsion.

(2) The Secretary of the Council shall forward forthwith to the Supreme Regent the report of the Inquiry Committee, together with the certificate of such conviction and sentence as aforesaid, and the Supreme Regent is authorized to thereupon impose, declare and enforce the penalty of expulsion.

(3) The Supreme Regent is authorized and empowered to impose, declare and enforce the penalty of expulsion upon a member convicted and sentenced as aforesaid, without any action by the Council, or any officer or committee thereof, if such facts are proven to his satisfaction by a certified copy of the judgment or the certificate of the court or magistrate before whom such conviction and sentence were had, or otherwise.

Second Charge for Same Offense.

SEC. **667.** A member may be complained of more than once for the same offence, if a trial has not been had. But when a trial has taken place on a complaint, another complaint for the same offence cannot be entertained.

1. Charges were preferred against a member; he placed a written answer in the hands of the Secretary, left the Council chamber, and refused to return when so requested by order of the Regent. Upon motion, after the Council had voted expulsion on the charges, it voted expulsion for contempt. Upon appeal held: the action of the Council was without warrant of law, no charge of contempt having been preferred, and the member not having been given an opportunity to answer such a charge. The action of the Council was reversed.—[Appeal, Hoage v. Roseville Council, No. 992, Pro. 1894, p. 321.

2. A member was notified, before charges had been preferred as required by the laws, to appear before a Council and show reasons why he should not be expelled. He did not appear at the time named, and was expelled for contempt. Upon appeal, the action of the Council was reversed, and it was held that the Council, having practically ignored the provisions of the laws relating to the trial of members, all the proceedings were illegal, null, and void.—[Appeal, Spang v. Leechburg Council, No. 1045, p. 321.

Notice of the Decision.

SEC. **668.** (1) Whenever the decision of the Supreme or Grand Council, or Supreme or Grand Regent, upon a trial, affects the relation of the member to the Widows and Orphans' Benefit Fund, all the papers in the case shall be filed in the office of the Supreme Secretary, with a certified copy of the record of the final action of the officer or Grand or Subordinate Council.

(2) A notice of the decision shall be sent by the Supreme Secretary to the member.

How Notice Served.

SEC. **669.** In all cases where, under the provisions of this Title XII., notice, citation, charges, or other papers are required to be served upon or given to an accused or convicted member or other party, a member of the Order, the same may be handed to him in person, left at his residence, or mailed, postage prepaid, to the last given address of such member appearing upon the books of the Collector of his Council, unless some other method of service is in this Title specifically prescribed.

Expenses of Trial.

SEC. **670.** The expenses of the trial shall be apportioned between the Council preferring the charge upon which the trial is held and the Supreme or Grand Council, as the Supreme or Grand Regent shall, considering the circumstances of the case, deem just and equitable.

Counsel.

SEC. **671.** The accused may be represented by counsel, who shall be a member of the Order, before the Inquiry Committee and Trial Committee.

CHAPTER X.

Removal of Proceedings after Complaint.

ew Removal Ordered.

SEC. **682.** The Supreme Council, or, during the recess thereof, he Supreme Regent, shall have power at any time, after complaint r accusation has been made against any Council, or officer of a rand or Subordinate Council, or member thereof, in any Grand or ubordinate Council when it shall appear to said Supreme Regent, robable that, by reason of local or personal prejudice, or influence, r for any other reason, full and impartial justice may not be, or as not been, done therein, to order the removal of said complaint or ccusation, and all proceedings thereon, to the jurisdiction of the Su- reme Council, or during recess thereof, to the Supreme Regent, and hereupon further proceedings thereon in such Grand or Subordinate ouncil shall be suspended subject to the further order of the Su- reme Council or the Supreme Regent.

ransfer of Papers.

SEC. **683.** Upon such order of removal, all papers and evidence elating to such complaint, and a transcript of all the reports or ction had before any Council, or committee, or officer thereof, shall orthwith be certified and transmitted to the Supreme Council or upreme Regent ordering the removal.

urther Proceedings.

SEC. **684.** Such proceedings shall thereafter be had on the com- laint as if the same had originally been made to the Supreme Coun- il or the Supreme Regent ordering the removal.

eferred to a Trial Committee.

SEC. **685.** Any evidence theretofore taken relating to such pro- eedings shall be submitted, with the reference of the complaint or harges, to a Trial Committee, appointed by the Supreme Regent, ho shall proceed further in the matter, as upon original jurisdic- ion, in the manner provided in Chapter VI. of this Title.

TITLE XIII.

APPEALS AND PROCEDURE THEREON.

CHAPTER I.

The Right of Appeal.

ppeals by Members.

SEC. **700.** (1) Any member of the Order considering that a ecision or act of any officer, Standing Committee, or Grand or Sub- rdinate Council, is unjust, or not in accordance with the Constitu- ions and Laws, or that an injustice has been done him by the en- orcement or operation of any law or rule of the Order, shall have he right of appeal in the manner described—as follows:—

(2) From a Standing Committee or officer of a Council to the egent, at the next stated meeting.

(3) From the Regent to the Council, at the same or the next tated meeting.

(4) Upon the refusal of the Regent to put an appeal to the Coun- il. From the Regent to the Grand Regent, within thirty days.

(5) From the Council to the Grand Regent, at the same or the ext stated meeting.

(6) From a Standing Committee or officer of a Grand Council to he Grand Regent, within thirty days.

(7) From the Grand Regent to the Grand Council, if in session, r if to be in regular session within the period of time allowed by

the Laws of the Order for the perfecting of the appeal, if not to the Supreme Regent, within thirty days.

(8) From the Grand Council in session to the Supreme Regent, within thirty days.

(9) From a Standing Committee or officer of the Supreme Council to the Supreme Regent, within thirty days.

(10) From the enforcement or operation of a law or rule of the Order to the Supreme Regent, within thirty days.

(11) From the Supreme Regent to the Supreme Council, at the next annual meeting.

(12) A member who does not take an appeal within the time above allowed, shall be deemed to have thereby agreed to abide by such decision, or act, or enforcement or operation of the laws or rules of the Order.

(13) The taking of an appeal shall not affect or suspend the decision, act, enforcement or operation of law or rule appealed from unless, nor until, the same is sustained by the tribunal of last resort above named.

1. An appeal upon a question of procedure, regulated by standing resolutions of a Subordinate Council, should be taken from the Council to the Grand Regent, and not to the Supreme Regent, when no rights in the W. and O. B. Fund are affected.—[Appeal, Biggs v. Carrollton Council, No. 267, Pro. 1883, pp. 55, 183.

2. Upon a question of parliamentary rule for the government of a Grand Council, an appeal cannot be taken from the decision of the Grand Council to the Supreme Council.—[Res. in Starkweather's (Mich.) Appeal, Pro. 1883, p. 168.

3. Beneficiaries, during the lifetime of a member, are not recognized as proper persons to take an appeal.—[Appeal, Smith vs. Alma Council, No. 191, Pro. 1896, pp. 62-3, 428-9.

4. A member was suspended for non-payment of Assessment No. 210 on May 1, took no steps towards reinstatement, and died Nov. 15. After his death, on February 26, another member presented an appeal, claiming that the Council should have paid the assessment. Held: If any appeal were taken it should have been done by the suspended member himself in his lifetime, and that after the expiration of thirty days after the suspension, it was too late to present an appeal.—[Appeal, Fullerton Case, Adams vs. Hampton C'l, No. 1167, Pro. 1898, pp. 66, 259.

5. There is no right of appeal to the Supreme Regent from the action of the Supreme Council.—[Appeal, Baker Case, Pro. 1906, pp. 21, 496.

6. A Grand Regent has the right to appeal to the Supreme Regent from the action of the Grand Council over which he presides; an appeal cannot be taken from the decision of a Grand Regent to the Grand Council, if to be in special session, within thirty days from the time when the decision is rendered.—[Appeal, Rubrecht vs. Grand Council Ohio, Pro. 1906, pp. 52, 561.

7. An appeal does not lie to the Supreme Regent from a ruling made by a Grand Regent during the Session of a Grand Council.—[Appeal, Weil v. Grand Regent of New York, Pro. 1911, pp. 66, 406.

Relating to the Widows and Orphans' Benefit Fund.

SEC. **701.** On all matters relating to the Widows and Orphans' Benefit Fund, the appeal shall be taken direct from the Council, or from the ruling of any Supreme officer or committee, to the Supreme Regent.

1. It is the evident purpose of the provision for direct appeal to the Supreme Regent on all matters relating to the Widows and Orphans' Benefit Fund, that upon all questions affecting the relation of a member to said fund, the decision shall be rendered by the Supreme Regent; that all such official utterances, whether in the nature of decisions upon appeals or inquiries, which are promulgated officially, shall emanate, so far as they shall affect said fund, from the same source, subject to ratification by the Supreme Council.—[Appeal, Trippe v. G. C. Md., Pro. 1891, pp. 293, 294, 295. See Pro. 1885, p. 295.

2. All questions and appeals under Secs. 277 and 282 go direct to the Supreme Regent, as they relate to Widows and Orphans' Benefit Fund.—[Res., Pro. 1885, p. 295.

Appeals by Grand and Subordinate Councils.

SEC. **702.** A Grand or Subordinate Council shall have the same right of appeal as individual members thereof.

CHAPTER II.

Procedure on Appeals and Decisions.

Must be in Writing.

SEC. **703.** The appellant must take the appeal in writing, except from the decision of a Regent, or from that of a Grand Regent to a Grand Council in session, and immediately notify the appellee.

Appellant to Perfect Appeal.

SEC. **704.** Official copies of all the records and documents relating to the decision or act, and all written evidence relating to the subject, properly authenticated by the custodian thereof, shall be forwarded to the higher authority by the appellant within thirty days; and such return shall be final, unless otherwise ordered by the authority to whom the appeal is taken, upon cause shown. Should either of these duties be neglected, the appeal may be considered or dismissed to the disadvantage of either party.

Records Furnished to Appellant.

SEC. **705.** Any member or officer having custody or possession of any record, document, or written matter, relating to the appeal, not in the possession of the appellant, is required to furnish the same or an authenticated copy thereof, or an opportunity to take a copy, which shall, if correct, be certified, by such custodian thereof, to the appellant, for the purposes of the appeal, within ten days from the demand made therefor, unless the time for furnishing the same, and for perfecting the appeal, shall be extended by the authority to whom the appeal is taken.

Decision in Sixty Days.

SEC. **706.** All appeals must be decided or referred to the next higher authority, within sixty days from the receipt of same, and the parties in interest immediately notified of such decision or reference.

Decision of Supreme Regent Final.

SEC. **707.** During the recess of the Supreme Council, the decisions of the Supreme Regent, in all appeals presented to him, shall be final and binding upon all parties interested. He shall have power to enforce such decisions, and it shall be his duty to exercise the same in all proper cases.

The foregoing arrangement of Constitutions and Laws and Note
Decisions is in accordance with the amendments adopted at
Thirty-seventh Annual Session of the Supreme Council of
Royal Arcanum, at New York, N. Y., May 20 to 28, inclusive, 19
and the form of publication is approved.

HOWARD C. WIGGINS,
ARTHUR C. SALMON,
FRANKLIN RUBRECHT,
Committee on Law

Promulgated, to take effect on Aug. 1, 1914, excepting a
amendments to take effect May 28 and October 1, 1914.

Attest:

Alfred G. Turner

Supreme Secretary

SUPREME COUNCIL OF THE ROYAL ARCANUM

INSTRUCTIONS TO SUPERVISING AND SUBORDINATE MEDICAL EXAMINERS.

Rules to be Observed by Medical Examiners of the Royal Arcanum in the Examination of all Candidates for Membership.

[As Amended by the Supreme Council, May, 1909.]

1. See that application is made out on the latest allowable form.
2. See that the applicant signs his name in full.
3. The number of the Medical Examiner's Commission must be affixed to each examination.
4. All examinations should be made in the private office of the Examiner, free from the presence of other persons.
5. An applicant should not be examined by a physician who is a relative, or who is in any way personally interested in the benefits resulting from the insurance.
6. A Subordinate Examiner cannot reject an applicant. All examination papers must be submitted to the Supervising Examiner.
7. When the specific gravity of the urine is above 1030 or below 1010, a second examination should be made before forwarding the report.
8. The urine must be voided in presence of the Examiner, and should be tested for albumen and sugar by daylight, rather than by artificial light.
9. In suspicious cases, particularly when the applicant is of light weight, test the bodily temperature with a thermometer. If it is found to be above 99, it must be taken again within a few days, or until the Examiner is fully satisfied that elevation of bodily heat is not caused by some beginning of latent disease, particularly incipient phthisis.
10. See that the Report of Investigating Committee, printed on the application has been signed by the applicant, and by at least two members of the committee.
11. The examination should be completed within twenty-four hours, unless needed additional information is to be obtained, and the application must then be forwarded to the Supervising Examiner.
12. Examiners should always review the application before forwarding. This will obviate necessity of returning many papers for correction, which causes much annoyance and delay.
13. Do not allow applicants to designate themselves as "clerks," "bookkeepers," "merchants," "salesmen," and the like; but state clearly the kind of business engaged in, as "clerk," "bookkeeper," etc., in the special line.
14. The greatest care must be used in obtaining and accurately recording answers to the questions in regard to the present and former use of stimulants, and connection of the applicant with the selling

or serving of intoxicating liquors. Insist upon the applicant stating what he drinks, how much he drinks, and how often he drinks.

15. A second examination should be made if at the first examination the applicant has a slight cold, indefinite heart sounds, irregular, intermittent, or accelerated pulse, or deficient chest expansion.

16. A Medical Examiner who removes from the district to which he has been appointed, forfeits his commission.

17. Medical Examiners are earnestly requested to watch the dates upon the applications they have on hand, and to notify applicants or Secretaries when the time limit for examination has nearly expired.

18. The value of a Medical Examiner to our Order depends much upon his care and zeal, and his intelligent, accurate, and complete answers to questions.

FAMILY HISTORY.

a.—General and indefinite statements regarding deaths: for instance, "childbirth," "effects of childbirth," "change of life," "accident," "debility," "acute disease," etc., etc., must be explained by a statement as to whether or not there was any pre-existing or pre-disposing disease. Indefinite statements produce an unfavorable impression as to the risk, causing additional correspondence and delay.

b.—Symptoms and effects of disease should not be allowed in place of the disease on which they depend; for instance: "dropsy," "asthmatic disease," etc.

c.—If ignorance of family history is pleaded, try to gain a proximate idea and state the same. A copy of burial certificate from the city or town where the death occurred should, if possible, be obtained.

d.—If consumption is found to have occurred, or to be at present existing in the family, the applicant is to be regarded as not eligible and must be rejected under the following circumstances:

If in both parents, not eligible until forty years of age. If in one parent, not eligible until thirty years of age, or if in any two members of the family, other than both parents, not eligible until thirty-five years of age, except on approval of the Medical Examiner-in-Chief.

If paralysis, apoplexy, cancer or heart disease is found to have occurred in any two members of the applicant's family, or insanity or suicide in one, the case is to be referred, with all the facts regarding it, to the Medical Examiner-in-Chief for decision, unless the applicant is rejected by the State Medical Examiner.

A half-brother and half-sister are to be considered the same as a full brother and sister.

The word "family" in this sub-division includes parents, brothers and sisters.

PERSONAL HISTORY.

a.—An applicant who has raised blood, is not at all eligible until *after ten years*, nor until thirty-five years of age, and then only in the most favorable cases.

b.—An applicant who has had syphilis is ineligible until after five years from the date of the initial lesion, and should be referred to the Medical Examiner-in-Chief.

c.—An applicant is not eligible who has had asthma within three years (except when produced by external causes similar to those of Hay or Rose Asthma, or by certain employments which have been permanently relinquished).

d.—An applicant is not eligible if he has had gravel or calculus within three years, or been subject to such attacks, within five years.

e.—An applicant is not eligible if he has had undoubted attacks of hepatic or nephritic colic within five years.

f.—An applicant is not eligible if he now has or has had fistula in ano and healed within three years.

g.—If an applicant has had apoplexy, dropsy, insanity, habitual cough, chronic ulcer, fits of any description, or organic disease of liver or kidneys within seven years; or, if he has ever been grossly intemperate, such cases must be referred to the Medical Examiner-in-Chief, unless rejected by the State Medical Examiner.

h.—If traces of albumen or sugar have been found in the urine, the applicant is not eligible until six months after its disappearance, and then only when at least two examinations not less than two weeks apart have been made, each showing its absence.

All such applications must be referred to the Medical Examiner-in-Chief with full particulars, unless rejected by the State Examiner.

PRESENT CONDITION.

An applicant is not to be considered eligible under the following conditions:

a.—If the pulse is found, after repeated examinations, to be intermittent or irregular, or when sitting to be persistently above 90 or below 50, or the respirations to be above 22 or below 12.

b.—If hernia exists, unless a proper truss can and will be worn. If the hernia is incarcerated or double, the case is to be referred to the Medical Examiner-in-Chief.

c.—If varices of the extremities exist, extending above or of unusual size up to the groin.

d.—If his leg has been amputated above the knee.

OCCUPATION AND DUTIES THEREOF.

An applicant's occupation and its duties should be taken into consideration in connection with his family and personal history and present condition, and the other matters developed by the examination, and if the applicant is engaged in the manufacture of gunpowder or other explosives, or other occupation of extra hazardous character, the case is to be referred, with the details relative to the duties of the occupation, to the Medical Examiner-in-Chief.

The question, "What are the duties of your occupation?" should always be so answered as to inform the Supervising Examiner whether the occupation is one favorable to health and longevity.

When applicants call themselves "merchants" or "clerks," the application should show what kind of goods they deal in, whether they work in-doors or out, and if in-doors, whether they are confined to their desks; together with all other facts that have a bearing on the favorable or unfavorable influences of their duties.

If applicants are railroad employees, the application should show what kind of trains they run on, and their rank, such as brakemen, firemen, etc. If they are miners, whether they are actually employed in digging or not; if hotel keepers, whether they keep a bar; and if so, whether they themselves sell liquors.

And so of all occupations, the Medical Examiner should endeavor to show what, if any, are the dangers attending them.

WEIGHT.

Whether an applicant shall be approved or not often depends principally on his height and weight.

In cases of great excess of weight, or the opposite, a full and explicit statement must be furnished regarding build, general appear-

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ance, average weight for the past fifteen years, etc., and forwarded to the Medical Examiner-in-Chief.

Every applicant must be measured, and his height in shoes ascertained.

An office scale should belong to the outfit of every careful Medical Examiner. Examiners for the Royal Arcanum are respectfully urged to provide themselves with one.

DOUBTFUL CASES.

Whether the applicant is to be accepted or rejected, the completed application must be promptly forwarded with a full statement of any doubtful points to the Supervising Examiner.

All cases of doubtful character, if not rejected by a State Medical Examiner, shall be referred to the Medical Examiner-in-Chief, with a full statement of the facts.

All Supervising and Subordinate Examiners are enjoined to exercise the greatest care and vigilance, always giving the Order the benefit of any doubt which may exist.

STANDARD HEIGHT AND WEIGHT AT VARYING AGES.

The following Table exhibits the proper average relation of height to weight:—

Feet.	Inches.	Ages.						
		18-25	26-30	31-35	36-40	41-45	46-50	51-55
5	0	120	125	128	131	133	134	134
	1	122	126	129	132	134	136	136
	2	124	128	131	134	136	138	138
	3	127	131	134	137	139	141	141
	4	131	135	137	140	142	144	145
	5	134	138	141	143	146	147	149
	6	137	142	145	147	150	151	153
	7	142	146	150	152	155	156	158
	8	146	151	154	157	160	161	163
	9	150	155	159	162	165	166	167
	10	154	159	164	167	170	171	172
	11	159	164	169	173	175	177	177
6	0	165	170	175	179	180	183	183
	1	170	177	181	185	186	187	188
	2	178	184	188	192	196	196	196

N. B.—A variation of more than 10 per cent. in weight below the Table above given, or more than 25 per cent. above said Table, shall be deemed extremely excessive, and no applicant whose weight is outside of such limits shall be admitted except by the approval of the Medical Examiner-in-Chief.

Variation in Weight.

This variation of 20 and 25 per cent. from standard weight is stated for convenience of computation in tabular form as follows:

Feet.	Inches.	Ages.						
		18-25	26-30	31-35	36-40	41-45	46-50	51-55
5	0	98	100	102	105	106	107	107
		149	156	160	163	163	167	167
5	1	98	101	103	105	107	109	109
		152	157	161	165	167	170	170
5	2	99	102	105	108	109	110	110
		155	160	163	167	170	172	172
5	3	102	105	107	109	111	113	115
		158	163	167	171	173	176	176
5	4	105	108	110	112	114	115	116
		163	168	171	175	177	180	181
5	5	107	110	113	114	117	118	119
		167	172	176	178	182	183	186
5	6	110	114	116	118	120	121	122
		171	177	181	183	187	188	191
5	7	114	118	120	122	124	125	126
		177	183	187	190	193	195	197
5	8	117	121	123	126	128	129	130
		183	188	193	196	200	201	203
5	9	120	124	127	130	132	133	134
		187	193	198	203	206	207	208
5	10	123	127	131	134	136	137	138
		192	198	205	209	212	213	215
5	11	127	131	135	138	140	142	142
		198	205	211	216	218	221	221
6	0	132	136	140	143	144	146	146
		206	212	218	223	225	228	227
6	1	136	140	145	148	149	150	149
		212	221	226	231	233	233	233
6	2	141	147	150	154	154	154	153
		220	229	235	240	245	245	243

PRIVATE DISEASES.

Information in regard to private and other diseases not enumerated must be elicited, and the facts bearing upon each case reported to the Supervising Medical Examiner.

MODE OF EXAMINATION.

It is positively required that the candidates be examined privately, that the chest be stripped of all clothing, and that careful auscultation and percussion of the thorax be made, and the result stated in full. Any known violation of this rule will be considered sufficient cause for revoking a commission.

ANALYSIS OF URINE.

If the first specimen of urine shows any abnormality, the Examiner should obtain a second, and even a third specimen, before forwarding the application. The full facts in regard to each specimen must be stated.

A careful analysis of the urine shall be made as per the following direction:—

The urine should be passed at the time of the examination of the applicant, and should be tested by litmus paper without delay. In too large a portion of cases thus far it has been reported as "alkaline" or "neutral," often, it is believed, because partial decomposition had taken place from the urine having been kept too long. Alkalinity, too, may result from the specimen having been taken just after a meal. In all cases where this reaction is found the Examiner should see that his litmus paper is good, and repeat his test to be sure that he is right, and, if so, endeavor to discover the cause of the reaction.

The specific gravity should be taken as soon as the urine is cool, and the examination be completed before it has time to change or ferment.

The urine should be examined for albumen by both the "heat" and "nitric acid" tests. The heat test is made by gently boiling the urine in a test tube. If a white precipitate falls, it is either albumen or the phosphates; if the latter, a few drops of nitric acid will dissolve them, but will not dissolve coagulated albumen. The latter is, however, soluble in alkaline urine, and hence, if the urine be alkaline, it should be neutralized with acetic acid before boiling.

The nitric acid test is made by adding the acid to the urine in a test tube. If there be but little albumen, the milkiness caused at first may disappear, but the addition of a few drops more of the acid will cause the precipitate to reappear and remain permanent.

If both these tests produce a white precipitate, there is no doubt of the presence of albumen. In cases where there is doubt, Heller's test, as proposed by Dr. Tyson in his "Practical Examination of Urine," is valuable. Hold a test tube a third full of nitric acid in an inclined position, and then allow a few drops of the urine to trickle down the side so as to rest upon the surface of the acid without disturbing it. If albumen be present, there appears at the point of contact between the urine and acid a sharp white band or zone, varying in thickness according to the amount of albumen.

For still greater accuracy the test may be made thus: Have the urine perfectly clear by careful filtering, and then into a conical wineglass, two-thirds full of urine, insert a pipette containing a sufficient amount of nitric acid, and allow the acid to escape at the bottom of the glass by removing the finger from the other end of the pipette.

This gives an absolutely sharp line of contact, and by allowing the glass to stand a few minutes, no trace of albumen can escape detection.

The cloudy band sometimes formed by the presence of urates is not so distinct, is more cloudy, and is above the acid by at least two lines.

The test for sugar may be made by the cupric test after either Thommer's, Fehling's, or Pavy's methods, by Moore's test, or the fermentation test, as they are severally described in works on medical chemistry.

As, however, the various solutions for the copper test may become unreliable after being kept, a very convenient mixture for the copper test has been proposed by Dr. H. G. Piffard, in the New York *Medical Record* for March 22, 1890, as follows: Take of sulphate of copper (chemically pure) one part crystallised tartrate of sodium, and potassium five parts, hydrate of sodium (chemically pure) two parts. Mix thoroughly in a mortar. The result is a pasty mass, which may be put into a wide necked bottle and kept for an indefinite period.

To use the paste, take of the mass a piece the size of a small pea, put it into a test tube, and add to it about two drachms of water; boil till the paste is dissolved, and the solution becomes of a pale, rather dirty blue color. Then add a few drops of urine, and boil again for a moment. The characteristic yellowish precipitate of hydrated sub oxide of copper will at once appear if sugar be present.

If the specific gravity be very high, or if, after testing the urine by either of the methods above referred to, any doubt should exist regarding the presence of sugar, the urine should again be examined by some other test.

Finally, however, it should be borne in mind that Albuminuria is far more common than Diabetes, and that the examination for albumen should therefore be made with especial care.

EXPECTATION TABLE.

Years old.	Expectation in years.	Years old.	Expectation in years.	Years old.	Expectation in years.
21	41.5	33	33.2	45	24.5
22	40.9	34	32.6	46	23.8
23	40.2	35	31.8	47	23.1
24	39.5	36	31.1	48	22.4
25	38.8	37	30.4	49	21.6
26	38.1	38	29.6	50	20.9
27	37.4	39	28.9	51	20.2
28	36.7	40	28.2	52	19.5
29	36.0	41	27.5	53	18.8
30	35.3	42	26.7	54	18.1
31	34.6	43	26.0		
32	33.9	44	25.3		

DATE AND FORM OF APPLICATION.

Before entering upon the examination of the applicant, the Examiner should observe the date of the application blank, to assure himself that the form is of legal date.

If on an illegal form, it should be returned at once to the Secretary for correction.

FORMER HABITS OF INTEMPERANCE.

Applicants who have taken treatment of any kind for the alcoholic or narcotic habit, are not eligible until after a period of six years of

fatal abstinence, and then only in the most favorable cases. Such applications must be referred to the Medical Examiner-in-Chief with full facts.

SMALLPOX WAIVER.

A Smallpox Waiver, to be signed by applicant who declines to be vaccinated, must be executed and attached to the paper.

If a member has executed the Smallpox Waiver, and is afterwards successfully vaccinated, and certificate of such successful vaccination is presented and approved by the Council, and certified under seal and signature of the Council, and is approved by the Medical Examiner-in-Chief, the Smallpox Waiver may be cancelled, and certificate thereof furnished to such member by the Supreme Secretary.

RECORD BOOK.

Each Examiner must keep a record book in which he must fully record his examinations. Failure to comply with this rule is a cause for revoking the commission. A record book is furnished to each Examiner with his commission. New ones will be furnished upon application to the Supreme Secretary.

RETURN OF APPLICATIONS.

Medical Examiners will return to the Secretary of the Council, before examining the applicant, all applications for membership that do not show upon their face, by the filling of the proper blank by the Secretary, that the Investigating Committee has reported thereon, and the report accompanies the paper and is properly signed by at least two members of the committee.

ABSENCES AND RESIGNATIONS.

When a Medical Examiner or State Medical Examiner intends to be absent from his jurisdiction for a period exceeding one week, he must notify the Supreme Secretary, and the State Medical Examiner, or the Medical Examiner-in-Chief, of his intention to be absent, giving the date of his departure and the date of his intended return. The absence of either a Medical Examiner or State Medical Examiner without such notice will, in the discretion of the Supreme Regent, be considered a resignation of the office.

Approved by Supreme Regent, August 1, 1901.

SPECIAL INSTRUCTIONS

TO

STATE MEDICAL EXAMINERS.

REFERENCE TO MEDICAL EXAMINER-IN-CHIEF.

Attention is called to the various reasons which under our "Instructions" require that applications should be referred to the Medical Examiner-in-Chief.

1. If the height and weight are above or below the figures given in the table of instructions, unless the applicant is rejected by the State Medical Examiner.

2. All applications should be referred in which paralysis, apoplexy, cancer, or heart disease is found to have occurred in any two members of an applicant's family, or where insanity or suicide has occurred in one member.

3. All cases in which the occupation seems to be of an extra hazardous character.

4. All cases in which applicants have suffered from appendicitis within two years without operation, and all with an operation within one year, prior to medical examination.

5. All cases which have been treated for liquor habit.

6. All applications for increase of amount from members who have at some previous time been diarated.

HEIGHT AND WEIGHT.

It is further suggested and recommended that State Medical Examiners should not reject applicants on account of their height and weight, unless the weight is so greatly above or below the normal rates as to render it impossible that they should be received, but should refer to the Medical Examiner-in-Chief all applications in which the height and weight do not conform to the table in our "Instructions." In this connection, also, please insist that applicants shall be measured and weighed for the purpose of our examination.

FAMILY HISTORY.

It is suggested and recommended that State Medical Examiners should not reject men on account of their family history (unless they be so grossly unfavorable as to make it absolutely necessary), but should refer to the Medical Examiner-in-Chief all cases where the family history seems to call for rejection, or to make the decision doubtful.

INTEMPERANCE.

The attention of the State Medical Examiners is also called to the fact that a large proportion of all our deaths seems to arise from intemperance. It is therefore important that all the statements on applications regarding the habits of an applicant (both the statement of the applicant and that of the Subordinate Medical Examiner) should be carefully considered by the State Medical Examiner, and correspondence be instituted with the local examiner or the applicant himself for the purpose of ascertaining just what the meaning of these statements is, whenever said statements do not indicate plainly that the applicant is a temperate man. The applicant should state what he drinks, how much he drinks, and how often he drinks.

Applicants who are acknowledged to have been grossly intemperate should not be admitted unless a period of five years has elapsed since their complete reformation, and then only under the most favorable conditions. They should be referred to the Medical Examiner-in-Chief.

LEADEN MATERIALS.

In all cases where the applicants are employed in the use of leaden materials, also, a letter should be written to the local examiner (unless he of his own accord furnishes the information), to ascertain whether the applicant is in the habit of personally using such materials, and if he has or ever has had any indications of lead disease.

DOUBTFUL CASES.

Attention is called to the importance of writing to the local examiners with regard to all cases in which there is any doubt concerning the meaning of the statements in the application, it having been found that a direct letter to the local examiner is considered by

him far more important and is much more likely to be fully answered than any form of printed circular.

In all cases, however, where investigation seems likely to lead to lengthy correspondence, the application may be referred to the Medical Examiner-in-Chief, who has greater clerical facilities than the State Medical Examiners.

When an applicant's family history is wanting or is very imperfect, the case should be referred to the Medical Examiner-in-Chief, so that this class of cases may also be uniformly treated.

Cases of amputation, where an applicant has lost a considerable portion of an arm or leg, should be referred to the Medical Examiner-in-Chief, so as to insure that all such applicants be treated alike in different jurisdictions.

Require in all cases that candidates sign each of their names IN FULL, and not by initials, to the application.

Do not allow applicants to designate themselves simply as clerks, bookkeepers, salesmen, commercial travellers, manufacturers, and the like. Insist that the applications shall show the kind of work they do, or the kind of goods they handle, deal in, or manufacture.

As a rule time will be saved if applications in which omissions occur, or any corrections require to be made, are returned by the State Medical Examiners to their subordinates before reference.

When the applicant applying on a form for initial membership states that he has previously made application to the Royal Arcanum, and has never been rejected, a request should be made of the Supreme Secretary to investigate the status of the applicant, so that if he proves to be under suspension he may be required to make application on the proper form.

DELAY IN EXAMINATIONS.

Medical Examiners are forbidden to examine any applicant who does not present himself for examination within six weeks of the time that he was notified to do so by the Secretary of the Council, unless the Examiner has received from the Secretary a statement or certificate that the failure of the applicant to appear was not due to any refusal or neglect on his part. The State Medical Examiners are, therefore, directed, if it appears that the Medical Examiner has, contrary to these regulations, made such an examination without said statement or certificate, to return the application to said Subordinate Examiner, and through him to the Council, for an explanation before approving it.

SELECTION OF EXAMINERS.

It is desirable that in selecting Subordinate Examiners men of experience in medical practice should be taken, rather than recent graduates from the schools. The superior skill in physical diagnosis and chemical analysis which may be possessed by the latter class, can hardly supply that judgment and discretion in the choice of risks, which can only be acquired by practical experience in the history and treatment of disease and the knowledge of men.

Finally, the strictest care is urged upon the State Medical Examiners to observe the manner in which the Subordinate Examiners perform their duties, and they are especially instructed to report promptly to the Supreme Regent every instance of unfaithfulness, carelessness, or insubordination. The success of our institution depends largely on the way in which the Medical Examiners do their work.

Approved by Supreme Council, May, 1909.

RULES
GOVERNING THE COMMISSIONING
— OF —
MEDICAL EXAMINERS.

JURISDICTION OF MEDICAL EXAMINERS.

1. Medical Examiners are commissioned for places, and not for particular Councils.

2. Any Council in a place (town, city, or other municipal division) may send applicants to any Medical Examiner commissioned for that place; it being understood, however, that applicants must be sent to the Examiner most convenient to their homes or places of business, unless urgent reasons prevent, and that Councils and Secretaries must not make discrimination in favor of or against any Medical Examiner.

3. A Medical Examiner may make examinations for any Council located in or having jurisdiction over the place named in his commission.

4. A Medical Examiner may examine an applicant, actually residing in the place named in his commission, who has made application to a Council located in another place, if this other place is in his own State.

5. A Medical Examiner in one State must not make examinations for a Council in another State, except by special authority therefor. In such cases the examination must be supervised by the Supervising Examiner of the Jurisdiction in which the Council applied to is located.

6. Medical Examiners are not officers of the Councils to which they belong, and cannot, therefore, be disciplined by them for alleged misconduct or non-performance of duties in their official relations. Complaints against them must be laid before the Supervising Examiner or the Supreme Secretary, for decision by the Supreme Regent.

7. Blank applications for commissions are furnished by the Supreme Secretary, and may be procured from him or the Supervising Examiners or Grand Secretaries, without charge. Medical Examiners' Record Books are furnished by the Supreme Secretary.

APPOINTMENTS OF MEDICAL EXAMINERS.

(a) In a Place where there is but One Examiner.

8. Only one Medical Examiner will be commissioned in a place where there are not more than two Councils, unless extraordinary reasons therefor are shown to the satisfaction of the Supreme Regent.

9. If a vacancy occurs by death, removal or resignation, by repeal of Sec. 360a, in the office of Medical Examiner, in a place where there is but one Examiner, the Council or Councils in that place should at once notify the Supervising Examiner and the Supreme Secretary of the fact, and certify to him the name or names of such members as are qualified to fill the position, any of whom may make formal application for the office. The Supervising Examiner must inform himself, so far as possible, of the merits of the applicants, and recommend the one whom he deems best fitted for the office, forwarding his decision to the Supreme Secretary, who, if the application is approved by the Supervising Examiner, will then issue a commission and notify all parties concerned.

10. In places where there are not more than one Council, and more than one Examiner, a vacancy will be filled, if required, by the Supreme Regent, in his discretion, the procedure to be the same as in paragraph 9, except that the Supreme Secretary will forward the papers to the Supreme Regent for his order before commission is issued.

(b) In Places where there are Several Councils.

11. In cities and towns where there are more than one Council, a sufficient number of Examiners will be appointed to do the work satisfactorily, care being always taken to locate them with a view to facilitate the convenience of applicants and Councils, so that applicants may be sent to the Examiner located in the section of the city where they reside, or who can most conveniently be visited by them.

12. Vacancies in such cities will be filled and additional Examiners appointed, if needed, by the Supreme Regent, in his discretion, upon the recommendation of the Supervising Examiner, and such other recommendations as he (the Supreme Regent) may require, the procedure to be the same as in paragraph 10.

ABSENCES.

13. When a Medical Examiner expects to be absent from his post of duty for more than one week, he must notify the Supreme Secretary or the Supervising Examiner thereof, giving the date of his departure and date of his intended return. The Supreme Secretary will immediately notify the Supervising Examiner and the Councils in the place for which the Examiner is commissioned.

13a. The absence of either a Subordinate or State Medical Examiner, without such notice, will, in the discretion of the Supreme Regent be considered cause for removal from office.

14. During the prolonged absence or sickness of an Examiner, a substitute may be authorized by the Supreme Regent in the same manner as when a vacancy occurs.

MEDICAL EXAMINER FOR NEW COUNCIL IN A PLACE WHERE THERE IS NO COUNCIL.

15. As soon as an Instituting Officer begins work in a place where there is no commissioned Medical Examiner of the Royal Arcanum, he should make the selection of a Medical Examiner his first care. Inquire particularly for physicians who have had experience in making examinations for life insurance; select the most experienced who will accept the position.

16. Have the physician make an application for a commission on the prescribed form; endorse the application, "Selected and recommended by ——— Deputy," and forward it to the Supervising Medical Examiner. Request the physician to write a letter, giving some brief account of his personal history, to the Supervising Medical Examiner, and forward the same with his application.

17. Have the physician, if not a member of the Order, sign an application for membership, and be examined by a commissioned Medical Examiner, if possible. If not possible, select a reliable practising physician, accustomed to making examinations for life insurance, and have him examine the applicant according to the "Instructions to Medical Examiners of the Royal Arcanum," furnishing him with a copy thereof before he makes the examination. The Instituting Officer will endorse upon the examination paper, "Examination made under my direction, ——— Deputy."

18. The Instituting Officer will then forward the physician's application for membership and a commission, with the fee for supervision, to the Supervising Examiner.

19. Upon receipt of the application for a commission and the medical examination paper, the Supervising Examiner will make the necessary investigation into the qualifications of the applicant, endorse his decision on the application for a commission, and forward it, with all papers relating thereto, to the Supreme Secretary, who, if the appointment be recommended by the Supervising Examiner, will immediately issue the commission and notify all parties concerned.

20. The Supervising Examiner will, if the physician's application for membership be such that he can approve it, hold the same until he receives the examinations of the petitioners for Charter at the place named. If the application for membership be of such a character that he cannot approve it, he should notify the Instituting Officer of the fact. If more than sixty days expire, and it seems probable that the Council will be instituted, the physician must be re-examined before admission to membership.

21. No examinations of the Charter applicants, other than the physician, should be made until at least twenty persons have signed the petition for a Charter.

22. When a physician is found professionally qualified to become an Examiner, but not physically qualified to become a member of the Royal Arcanum, the Instituting Officer should endeavor to secure a physician qualified for membership. If such a one cannot be obtained, the one professionally qualified may be authorized to act as Examiner upon the special recommendation of the Supervising Examiner, and the Supreme Secretary will issue the necessary authorization on receiving said recommendation.

23. All commissions to make examinations for a proposed new Council, in a place where there is no Council, will be issued to expire by limitation in three months from the date thereof, if the Council is not instituted in that time. Such a commission may be renewed by the Supreme Secretary, upon receiving a request therefor approved by the Supervising Examiner.

EXAMINATIONS FOR REINSTATEMENT IN PLACES WHERE THERE IS NO COMMISSIONED EXAMINER.

24. When a suspended member, desiring reinstatement, resides in a town where there is no commissioned Examiner, he may be examined by the nearest commissioned Examiner, if there is one within a convenient distance; if not, application may be made to the Supreme Secretary, stating the circumstances, and asking permission to be examined by some physician residing near the applicant, giving the name of one who is in the habit of making examinations for life insurance. The Supreme Secretary shall notify the Supervising Examiner who has jurisdiction over the Council to which this suspended member formerly belonged, informing him of the request, and he (the Supervising Examiner) shall look up the physician named, and give his opinion as to whether the said physician may properly examine the member. If his opinion be favorable, the examination may proceed under a permit to be issued by the Supreme Secretary, and the examination papers be supervised by the Supervising Examiner aforesaid. If his opinion be unfavorable, the name of another physician must be furnished, and the same proceedings had.

ACCEPTANCE OF RESIGNATION.

25. The Supreme Secretary is authorized to accept the resignations tendered by Medical Examiners, and to notify all parties of the same.

Promulgated Aug. 1, 1905.

COMMONWEALTH OF MASSACHUSETTS.

Be it known that whereas Darius Wilson, Charles K. Darling, W. O. Robson, Ezra M. Crawford, J. A. Cummings, George W. Blish, William Bradley, J. H. Wright, and Julius M. Swain have associated themselves with the intention of forming a corporation under the name of the Supreme Council of the Royal Arcanum, for the purpose of fraternal union, aid to its members and their dependents, the education socially, morally, and intellectually of its members, assisting the Widows and Orphans of deceased members, establishing a fund for the relief of sick and distressed members, and one for a Widows and Orphans' Benefit Fund, etc., etc., and have complied with the provisions of the statutes of this Commonwealth in such case made and provided, as appears from the certificate of the proper officers and executive committee of said corporation duly approved by the Commissioner of Corporations, and recorded in this office.

Now, therefore, I, Henry B. Peirce, Secretary of the Commonwealth of Massachusetts, do hereby certify that said D. Wilson, C. K. Darling, W. O. Robson, E. M. Crawford, J. A. Cummings, G. W. Blish, W. Bradley, J. H. Wright and J. M. Swain, their associates and successors, are legally organized and established as, and are hereby made an existing corporation, under the name of the Supreme Council of the Royal Arcanum, with the powers, rights and privileges, and subject to the limitations, duties and restrictions which by law appertain thereto.

Witness my official signature hereunto subscribed, and the seal of the Commonwealth of Massachusetts hereunto affixed, this fifth day of November, in the year of our Lord one thousand eight hundred and seventy-seven.

HENRY B. PEIRCE,
Secretary of the Commonwealth.

[SEAL]

[ACTS RELATING TO MEETINGS.]

COMMONWEALTH OF MASSACHUSETTS.

[Chap. 42 of the Acts of 1878.]

An act to authorize the Supreme Council of the Royal Arcanum to hold its Annual Meetings without the Commonwealth.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

The Supreme Council of the Royal Arcanum may hold its annual meetings in any State wherein a Grand Council of said Association is established; and its acts at such meetings shall have the same effect as if done within the Commonwealth.

Approved Feb. 28, 1878.

[Chap. 10 of the Acts of 1886.]

An Act to authorize the Supreme Council of the Royal Arcanum to hold its Annual Meetings in the District of Columbia or Dominion of Canada.

Be it enacted, etc., as follows:

The Supreme Council of the Royal Arcanum may hold its annual meetings in the District of Columbia or in any Province in the Dominion of Canada wherein a Grand Council of said Association is established; and its acts at such meetings shall have the same effect as if done within the Commonwealth.

Approved Feb. 1, 1886.

[The General Laws of 1886-9 permit meetings of the Supreme Council in States, Territories or Provinces in which a Subordinate Council is located.]

APPLICATION FOR MEMBERSHIP.

[Page 1.] S. C. R. A., Form No. 1, as Amended at the Thirty-seventh Annual Session, May, 1914. No other forms should be used.

[Subordinate Seal.]

APPLICATION FOR MEMBERSHIP IN THE ROYAL ARCANUM.

State of , D

To the Officers and Members of Council, No. Royal Arcanum,

Located at , State of

Having become acquainted with the objects of your Order, I hereby make application for amount membership in your

Write whether "Option A" or "Option D."

Council, and do declare, upon my honor as a man, that the statements by me subscribed herein are each and every one of them true. I am not now a member of this Order; I have not, within six months, been rejected; am not now under suspension, and have never been expelled from any Council of this Order; and am a believer in a Supreme Being.

I reside at No. St., City or Town of State of I was born at State of , on the day of , 18 and am between and years of age. My occupation is that of Place of business, No. St., City or Town of State of . I direct that, in case of my decease, all benefit to which I may be entitled from the Royal Arcanum be paid to

NAMES OF BENEFICIARIES.	RESIDENCE OF BENEFICIARIES.	RELATED TO ME AS	Ages of Beneficiaries.
(Write name or names in full.)	(Give complete address.)		

Subject to such future disposal of the benefit, as I may hereafter direct, in compliance with the Laws of the Order. I am temperate in my habits, and have no injury or disease which will tend to shorten my life; am now in good health and am able to gain a livelihood. I do hereby warrant the truthfulness of the statements in this application, and consent and agree that any untrue or fraudulent statements, or any concealment of facts, therein, or to or from the Medical Examiner, or my suspension or expulsion from, or voluntarily severing my connection with the Order, shall forfeit the rights of myself and my beneficiaries, heirs, and all other persons claiming under my Benefit Certificate issued hereon, or from my membership in the Order, to all benefits and privileges therein. I agree for myself, my beneficiaries, heirs, and all such other persons, that in any and all questions, controversies, actions and trials in court, or otherwise, which shall arise between myself and between them, or any of them, and the Supreme Council of the Royal Arcanum, and any Grand or Subordinate Council thereof, it shall be presumed and taken *prima facie*, that every officer of said Supreme, of every Grand and of every Subordinate Council, in the sending of notices and otherwise has in all respects fully performed his duty, and fully complied with all the laws of said Councils, and that the burden of proving any failure of such performance or compliance shall rest upon me and said beneficiaries, heirs or said other persons; that any Subordinate Council of which I may become a member or its officers or any one or more thereof, shall not have the power to waive the performance of or compliance with any law or requirement of the Supreme Council, and any such attempted waiver shall be inoperative to bind or create any liability upon the Supreme Council; that any knowledge or information which may be acquired by any Subordinate Council of which I may be a member, or by any officer or member thereof, and not imparted or disclosed to the Supreme Council, shall not be deemed to be notice to the Supreme Council, and the said Supreme Council shall not be bound thereby; that I will and they shall conform to and abide by the Constitutions, Laws, Rules and Usages of the said Council and Order now in force, or which may hereafter be adopted by the same. If I refuse or neglect to undergo an examination within six weeks from the date of notice from the Secretary of said Council to present myself to the Medical Examiner, or if I fail to present myself for initiation within sixty days from the date of the approval of my medical examination, I hereby agree that my medical examination and my initiation thereafter, without

further medical examination, except authorized by the Supreme Regent, shall be void, and I hereby accept notice of the fact that no Subordinate Council has power or authority to waive the same; and I agree that my proposition for shall be forfeited, that my first election may be declared void, and a new ballot be taken by said Council at any time before I receive the Degree. And for myself, and for any person accepting or acquiring any interest in any Benefit Certificate issued on this application, I hereby expressly waive any and all provisions of law now existing, or that may hereafter exist, preventing any physician from disclosing any information acquired in attending me in a professional capacity or otherwise, or rendering him incompetent as a witness in any way whatever; and I hereby consent and request that any such physician certify concerning my health and physical condition, past, present or future. And for myself, and for any person or persons accepting or acquiring any interest in any Benefit Certificate issued on this application, or arising out of my membership therein, I agree that no action at law or in equity shall be brought or maintained on any cause or claim arising out of my membership, or on said Benefit Certificate unless such action is brought within three years from the time when the right of action accrues; or if the action arises upon my death, or alleged death, within three years from the date of such death, and that in case I shall, within five years from and including the date of my initiation, enter upon or become engaged in a proscribed occupation, or take my own life, whether sane or insane, or, in case, after having been suspended for one year or more I shall, within five years from the date of my reinstatement, take my own life, whether sane or insane, or if my death shall be caused, at any time, by the excessive use of intoxicating liquor, or be the result of my violation of, or occur while I am violating any law, the punishment for which is death or imprisonment in a State or Provincial prison or penitentiary, my Benefit Certificate shall become and be null and void, and no person or persons be entitled to a benefit thereunder of under my membership in the Order.

Recommended by ——— Applicant will write his name IN FULL.

(Recommenders must sign personally.)

I hereby certify that the above Application of

Write applicant's name IN FULL.

was received by me on the day of 19 , and was read at a stated meeting of the above-named Council, on the day of 19 ; that he was notified by me on the day of , 19 , to present himself to Dr. , Medical Examiner.

Secretary.

Address.

I hereby certify that he was duly elected by ballot on the.....day of.....19....; and that he was admitted to membership by the conferring of the Degree according to the prescribed Ritual of the Royal Arcanum, on the.....day of.....19 Number on Roll Book.....

.....Secretary.

Questions to be asked by the Collector on the Night of Initiation.

Ques.—Is the date of your birth correctly stated above? If not, please correct it.

Ques.—Have you changed your occupation since date of your Application? If so, what is now your occupation? Ans.:

Ques. How your physical condition changed since your examination for membership? Ans.:

I hereby certify that.....

Write applicant's name IN FULL.

on the.....day of.....19...., paid to me $.....as his assessment for the W. & O. R. Fund for age.....

(Attained age nearest birthday.)

and that the same has been entered in the W. & O. R. Fund Account Book accordingly.

.....Collector.

This Application must be sent to the Supreme Secretary, with blanks properly filled by Secretary and Collector of Subordinate Council, immediately after the admission of applicant, and Benefit Certificate will be returned.

...R.] **MEDICAL EXAMINER'S BLANK.**

QUESTIONS TO BE ANSWERED BY APPLICANT.

...must answer as warranty to the Medical Examiner on Insurance Company.]

Each question must be answered. A Dash or Mark is not sufficient.

(A) What are the specific duties of your occupation? [Be explicit.]
(B) Have you changed your occupation within a year?
(C) If yes, what was your former occupation?

...mily Record of the Applicant.	Living.		Dead.			
	Age.	Health.	Age.	Cause of Death.	How Long Sick.	Previous Health.
...ther, ...r's Father, ...r's Mother.						
...her, ...r's Father, ...r's Mother.						
...many ...ers have ...had?						
...many ...rs have ...had?						

Have any of your near relatives (except as you have explained above) been afflicted with consumption, raising of blood, insanity, or any tubercular, scrofulous or cancerous disease, or have any of them ever attempted suicide? Name every such case with particulars.
If yes, have you named every such case?
Which parent do you most resemble?
Has there been within two years among the members of your household a case of consumption, or diphtheria within six months?
(A) Have you ever had any severe illness? (B) or injury?
(C) or undergone any surgical operation?
STATE WHEN, give particulars, and name and address of your attending physician?
Have you fully recovered?
Have you ever had, since childhood, any of the following complaints? [Answer yes or no to each.]
...ness? appendicitis? apoplexy? bronchitis? catarrh? ...colic, renal? colic, bilious? colic, hepatic? colic, lead? ...tic diarrhoea? cancer or tumor? disease of the brain? disease of the lungs? disease of the bladder? disease of the kidneys? disease of the liver? disease of the heart? dizziness? dimness of vision? difficulty of hearing? discharge from the ear? ...epsia? dysentery? delirium tremens? dropsy? difficulty ...reading? Has albumen or sugar ever been found in your urine? ...ease of the skin? erysipelas? fits or convulsions? fistula in ano? ...ia? gout? habitual cough? habitual constipation? insanity? ...dice? loss of consciousness? paralysis? open sores? pleurisy? ...palpitation of the heart? paralysis? persistent headache? persistent pain in the back? pneumonia? rheumatism? ...tumor urethra? syphilis or any other disease of the genital or urinary ...? sunstroke? spitting or raising of blood? smallpox? ...ing of feet, hands, or eyelids? spinal complaint? varicose veins? ...yellow fever?
Give full particulars as to character, date, duration, etc.
Have you, or any of your family, been an inmate of any asylum, ...sure or sanatorium?
Have you ever had inflammatory rheumatism? ; how many ...ks? ; what year? ; duration? ; how severe? ; was it accompanied by cough, shortness of breath? ; pain in the chest? ...ation of the heart?
(A) Are you ruptured? (B) If so, what form, single or double?
(C) Is it reducible?

14. Do you, if ruptured, habitually wear a suitable truss?
15. If ruptured, or you hereafter become ruptured, do you agree to wear a truss while hernia exists?
16. Have you been SUCCESSFULLY vaccinated? [If not, the EXAMINER must see that the applicant is vaccinated. If this should be unsuccessful, it must be REPEATED, and the record must so state. Or the applicant may sign and attach hereto the special smallpox waiver.]
17. (A) When were you last attended by a physician? (B) For what ailment?
18. For what period were you detained from business?
19. Are you now in sound health?
20. (A) Do you use alcohol or other stimulants? (B) If so, state kind and a maximum daily or weekly average. [The word "temperate" or "moderate" undefined will not be accepted.]
21. What has been your habit in this respect through life? [Be explicit.]
22. Have you at any time in your life drank to excess?
23. Have you ever been under treatment for the alcoholic habit?
24. (A) Are you now, or have you ever been, engaged in the manufacture or sale of intoxicating liquors? (B) If so, when, and in what way?
25. (A) Do you use or have you ever used, morphine, opium, chloral or cocaine in any form? (B) Tobacco? (C) If so, in what form and how much?
26. (A) Has your weight recently increased or diminished? (B) If so, state particulars.
27. (A) Have you ever applied for or received a pension? (B) If so, state particulars.
28. Is there anything, to your knowledge or belief, in your physical condition, family or personal history, or habits, tending to shorten your life, which is not distinctly set forth above?
29. (A) Have you ever before applied for membership in the Royal Arcanum? (B) Or in any other beneficial society or assessment life insurance company? (C) Or for life insurance in any insurance company? (D) Have you ever been rejected?
30. IF REJECTED, by which, and when, and why? [Give dates.]
31. If rejected or suspended by the Royal Arcanum, state what Council or State and when.
32. For what amount of benefit do you apply, $1,000, $2,000 or $3,000? $

I hereby warrant the truthfulness of all the answers and statements given to the above questions.

Applicant will write his name IN FULL.

PHYSICIAN'S CERTIFICATE.

33. (A) What is the applicant's height in shoes? feet inches.
(B) The weight without overcoat? pounds.
34. (A) Did you measure the applicant? [Actual measurement in every case required.]
(B) Are you satisfied that weight, as given, is correct?
35. If applicant is over or under a normal weight, is it a family trait?
36. (A) State the rate of pulse, sitting ; (B) standing ; (C) does it intermit, become irregular, or unsteady at this examination?
37. Number of respirations per minute, standing?
38. (A) State circumference of chest: forced expiration inches; (B) forced inspiration inches; (C) measurement of abdomen inches.
39. Is the character of the respiration full, easy and regular, and is murmur clear and distinct over both lungs?
40. Is there entire absence of indication of disease of the organs of respiration or their appendages?
41. Is the character of the heart's action uniform, free and steady?
42. Are the valvular sounds healthy?
43. Is there entire freedom from indications of disease of this organ or of the blood vessels?
44. Have you made CAREFUL AUSCULTATION and PERCUSSION of the thorax, with the CHEST STRIPPED OF ALL CLOTHING?
45. Is there any evidence of edema, deformity of the spine or disease of the joints?
46. In your opinion is the applicant temperate?
47. Does he present the appearance of good health?
48. (A) Have you made the required examination of the urine? (B) Is it free from albumen? (C) From sugar? (D) What is its specific gravity? (E) Is it acid or alkaline?
49. Was the urine voided in your presence? [THIS IS IMPERATIVE.]
50. From your examination do you believe each of the applicant's answers to be true and full?

11. Are there any marks of smallpox or successful vaccination?
12. Have you discovered anything which influences the character of the risk, and which is not set forth in the answers?
13. [If the applicant has piles, rupture, or any deformity, examine and describe it, and state your opinion.]
14. Will the applicant probably live out the estimated expectancy?
15. What, in your judgment, is the CHARACTER of the risk?
[If the character of the risk is other than first-class or good, state the reasons.]
16. Do you RECOMMEND him for membership in the Order?

I certify that the answers to the questions above are in my own handwriting, and that I have made, in private, a physical examination of the person proposed for membership, and that he subscribed his name to the above statements in my presence.

Examined at _____ Date _____, 19 .

Signed, _____, M. D.

Address. _____. Number of Commission, _____.

The foregoing having been referred to me for decision, I do hereby—approve the same for $ _____

Date of approval, _____, 19 .

Signed, _____, M. D.

State (or Provincial) Medical Examiner for the State (or Province) of _____

(A special form is issued for use in Canada.)

INVESTIGATING COMMITTEE'S REPORT.

[Page 4.] **QUESTIONS TO BE ASKED THE APPLICANT:**

1. Is the date of your birth correctly stated in your application? If not, please correct it.
2. Following are extracts from the laws and regulations of the Supreme Council governing medical examination, causes of ineligibility and prescribed applicants and occupations, viz.:

PROSCRIBED APPLICANTS AND OCCUPATIONS.

[As Amended in May, 1911.]

Sec. 372 (1) The following named occupations are Proscribed Occupations:

(a) The selling, either directly or indirectly, personally or by agents or employees, as owner of the business or any part or share thereof or as agent or employee of the owner or owners thereof, of intoxicating liquor to be drunk on the premises where sold or served.

(b) The serving of intoxicating liquors to be drunk on the premises where such intoxicating liquors are sold.

(c) The selling of intoxicating liquor at wholesale by a salesman.

(d) The occupations of the following named railroad employees: A locomotive engineer, a locomotive fireman, a freight brakeman, a caboose section hand, a car-coupler, a switchman.

(e) The occupation of an enlisted man (not a commissioned officer) in the regular army.

(f) The following named marine occupations: That (a) of an enlisted man in the regular navy below the rank of a petty officer of the second class; (b) of a common sailor; (c) of a diver or submarine worker; (d) of a deep-water fisherman below the rank of captain; (e) of an officer or employee upon an ocean-going barge.

(g) The occupation of (a) an electric railway lineman; (b) an electric light lineman; (c) a telephone lineman; (d) a telegraph lineman.

(h) The occupation of (a) a driver or mechanician in professional automobile riding; (b) a professional aeronaut, or aviator.

(i) A person who is engaged or employed in, or performs the duties required by, any of the above specified occupations shall not be eligible for membership and an application shall not be received from such person. Provided, however, that the owner or proprietor of a hotel or restaurant; an employee other than a bar-keeper or bar attendant in a hotel or restaurant who does not sell, but who may serve intoxicating liquor; a salesman of liquor at wholesale, and a railroad switchman may make a written statement and attach the same to, and make the same a part of, and subject to the forfeitures and warranties named in, his application and medical examination, giving a full description of his business and ownership, his interest financial or otherwise therein, or his employment and the duties thereof, and upon, but not without, the approval of the Medical Examiner-in-Chief, become an eligible applicant.

(j) The following classes of persons shall not be eligible for membership:

(a) One who does not believe in a Supreme Being.

(b) One who cannot understand, or read, or repeat the obligation as printed.

(c) One whose leg has been amputated above the knee.

(d) One who cannot state the year of his birth.
(e) One who is deaf and dumb, or blind.
(f) A native of the Mongolian or Yellow race.
Note 1. The offspring of mixed yellow and Caucasian parentage.
No application shall be received from a person of either of said classes.

CAUSES OF INELIGIBILITY.

An applicant is not eligible under the following conditions:—
If consumption is found to have occurred, or to be at present existing in the family; if in both parents, until forty years of age. If in one parent, until thirty years of age, or if in any two members of the family among parents, brothers and sisters, until thirty-five years of age, except on approval of the Medical Examiner-in-Chief.
If he has raised blood until after ten years, nor until thirty-five years of age, and then only in the most favorable cases.
If he has had syphilis until after five years from the date of the initial lesion, and should be referred to the Medical Examiner-in-Chief.
If he has had asthma within three years, except when produced by external causes similar to those of Hay or Rose Asthma, or by certain employments which have been permanently relinquished.
If he has had gravel or calculus within three years, or been subject to such attacks within five years, or undoubted attacks of hepatic or nephritic colic within five years.
If he now has or has had fistula in ano and healed within three years.
If he has had apoplexy, dropsy, insanity, habitual cough, chronic ulcers, fits of any description, or organic disease of liver or kidneys, within seven years; or if he has ever been grossly intemperate.
Having read the foregoing, and finding nothing therein which will render me ineligible, I desire to undergo medical examination and complete my membership in the Royal Arcanum.

.....
(Applicant will sign his name in FULL.)

Witness:.....
(Member of Investigating Committee.)

COMMITTEE'S REPORT.

(This report should be filed with the Secretary as soon as possible. If two members report favorably the applicant may be immediately sent to the Medical Examiner.)

We, the undersigned Investigating Committee to whom the within application was referred, report.....favorable to the admission of the within-named applicant.
Dated.....19....

.....
.....
Members of Investigating Committee.

OBLIGATION.

In the presence of Almighty God and these witnesses, I do, of my own free will and accord, most solemnly promise that I will strictly comply with all Laws, Rules and Usages of this fraternity established by the Supreme Council of the Royal Arcanum.
I will hold allegiance to said Supreme Council and be loyal thereto, the Supreme authority of the entire Order.
I will obey all orders emanating from the Supreme or Grand Council, or from the Subordinate Council of which I am a member, so long as they do not conflict with my civil or religious liberty.
I will not defraud or wrong any department of this Order, or any member thereof, or suffer it to be done by others if in my power to prevent.
I will never introduce anything of a political or sectarian character in any meeting of, or in any way bring reproach upon this Order.
I will keep forever secret all that may transpire during my initiation, and will never improperly communicate to any person any of the work, signs, or tokens; and should I be expelled or leave the Order, I will consider this obligation as binding out of it as it is in it.
I will assist a distressed brother or his family when in distress, so far as in my power, without material injury to myself or family.
I will not knowingly slander a brother, nor will I allow others in my presence, if I can prevent it, but will defend his character, and protect a brother from defamation.
I will answer all proper signs of the fraternity, and use all proper means to protect a brother from defamation.
And should I violate this my solemn promise, I hereby consent to be expelled from this fraternity, and may God aid me to keep and perform all of these obligations.
I acknowledge receipt of copy of the Constitutions and Laws of the Royal Arcanum.
Witnesses,

.....
.....

.....
Signed.
Applicant will sign his name IN FULL.

Dated at , this day of 19 .

ROYAL ARCANUM

B. C. No.

Rate or Option

Amt. $

Amendment of Council, No.

Date of Issue of B. C.

Fee $

Date Rec'd.

Amt. of Assessment $

Completing

Admitted

Application rounded

B. C. sent

ROYAL ARCANUM.

Preliminary Request for Membership.

To ——— Council, No. ——. [Date] ———

I hereby make request to become a member of the Council. I was born on the ——— day of ——— 18—, at (City or Town.) ——— (State, Province or Country.) ———; am ——— years of age; occupation, ———; place of business, No. ——— Street, (City or Town.) ———; reside at (Street and No.) ———, in the (City or Town.) ——— of ———, State of ———. I am a believer in a Supreme Being. Amount of benefit desired $———. I designate my beneficiary as follows:

Name of Beneficiary.	Address.	Relationship.	Amt. for Each.

I hereby agree that at the time of or before my medical examination I will sign the prescribed application for membership in the Order, and comply with and be and become bound by all the provisions and conditions thereof.

Recommended by ——— ———

(Applicant write his name IN FULL.)

(R. C. B. A., Form 12, August 1, 1912.)

ROYAL ARCANUM BENEFIT CERTIFICATE.

Supreme Council Seal. | Subordinate Council Seal.

This certificate is issued to ——— a member of Council, No. ——— Royal Arcanum, located at ——— upon evidence received from said Council that he is a contributor to the Widows and Orphans' Benefit Fund of this Order; and upon condition that this certificate, the Charter of the Order and the statements made by him in his application for membership in said Council, and the statements certified by him to the Medical Examiner, both of which are filed in the Supreme Secretary's office, be made a part of this contract, and upon condition that the said member complies in the future with the laws, rules and regulations now governing the said Council and Fund, or that may hereafter be enacted by the Supreme Council to govern said Council and Fund, and upon condition that any changes, additions or amendments to the Charter, Constitutions or Laws, duly made or enacted subsequent to the issuance of this Benefit Certificate, shall bind the said member and his beneficiaries and shall govern and control the agreement in all respects in the same manner as if such changes, additions or amendments had been made prior to and were in force at the time of the application for membership, and upon condition that the said member, for himself and for any person or persons accepting or acquiring any interest in this Benefit Certificate, agrees that no action at law or in equity shall be brought or maintained on any cause or claim arising out of any membership in the Royal Arcanum or on any Benefit Certificate, unless such action is brought within

three years from the time when the right of action accrues. Three conditions being complied with, the Supreme Council of the Royal Arcanum hereby promises and binds itself to pay out of its Widows and Orphans' Benefit Fund to the sum of Dollars, in accordance with and under the provisions of the laws governing said Fund, upon satisfactory evidence of the death of said member, and upon the surrender of this Certificate; provided that said member is in good standing in this Order at the time of his death, and provided also that this Certificate shall not have been surrendered by said member and another Certificate issued at his request, in accordance with the laws of this Order.

In witness whereof the Supreme Council of the Royal Arcanum has hereunto affixed its Seal and caused this Certificate to be signed by its Supreme Regent and attested and recorded by its Supreme Secretary at Boston, Mass., this day of , A. D. 19

Attest: SUPREME SECRETARY. SUPREME REGENT.

I accept this certificate on the conditions named herein.

(Signature of Member.)

Witnessed and delivered in the presence of either

, REGENT, } Of
or , SECRETARY, } Council, No. R. A.

[S. C. R. A., Form No. 36, Oct. 15, 1910.]

FORM FOR CHANGE OF BENEFICIARY.

, 1

To , Supreme Secretary:

I herewith surrender and return to the Supreme Council of the Royal Arcanum, the within Benefit Certificate, No. , and direct that a new one be issued to me, payable to the following named beneficiary (or beneficiaries):

(If more than one beneficiary, designate share of each by fractions of the whole amount, thus: one-half, one-third, two fifths, three-thirtieths, etc.)

Full name of Beneficiary.	Relationship or Dependence.	Age of Beneficiary.	Residence of Beneficiary.	Share of Beneficiary.

Fee of fifty cents enclosed.

Member will write his name IN FULL.

Address

I hereby certify that the above designation and fee of fifty cents were delivered to the of this Council, on 1

(Regent, Secretary, Collector or Treasurer.)

Secretary.

[Seal of Council.] of Council, No. State of

RECEIPT FOR PAYMENT OF DEATH CLAIM.

Received of Treasurer of Council, No. R. A. 1

The amount of the within Benefit Certificate in full settlement of all claims against the Supreme Council of the Royal Arcanum, on account of the death of the within-named member of said Order.

Witness:

We hereby certify, That the order for the payment of the benefit due on account of the Death of the within-named member, has been delivered to the proper parties.

(Seal of Said Council.)

Regent.

Secretary.

(S. C. R. A. Form 11. August 1, 1911.)

ASSESSMENT SYSTEM.

ROYAL ARCANUM BENEFIT CERTIFICATE.

(For use in Canada.)

Supreme Council
Seal.] [Subordinate Council Seal.]

This Certificate is issued to ..... a member of ..... Council, No. ..... Royal Arcanum, located at ..... upon evidence received from said Council that he is a contributor to the Widows and Orphans' Benefit Fund of this Order; and upon condition that this certificate, the Charter of the Order, the statements material to the contract made by him in his application for membership in said Council, and the statements material to the contract certified by him to the Medical Examiner, both of which are on file in the Supreme Secretary's Office, be made a part of this contract; and upon condition that the said member complies in the future with the laws, rules and regulations now in force, enacted by the Supreme Council of the Royal Arcanum, governing said Council and Fund, and particularly Sections 1 to 15 inclusive, 24, 25, 25a, 34, 34, 35, 39, 39a, 43, 44, 46a, 46, 47, 48a, 48, 52, 54, 58, 74, 75, 75a, 75b, 76, 76a, 77 to 79 inclusive, 80, 81, 90a, 91b, 91c, 114 to 119 inclusive of the Supreme Council Constitution; Sections 120 to 129 inclusive, 131, 132, 132, 134a, 135 to 139 inclusive, and 145 of the laws governing Grand Councils; Sections 175 to 229 inclusive, 232, 232 to 249 inclusive, 250, 251, 252, 257, 259, 260 to 264 inclusive, 266, 266a and 266 to 283 inclusive of the Constitution of Subordinate Councils; and Sections 270 to 275 inclusive, 280 to 285 inclusive, 285a, 285 to 295 inclusive, 295 to 322 inclusive, 420, 420a to 422b inclusive, 424 to 476 inclusive, 500, 501, 502, 507, 508, 509 to 527 inclusive, 529, 530, 570, 600 to 605 inclusive, 610 to 625 inclusive and 700 to 707 inclusive of the General Laws of said Order; and also all Subsections of the foregoing Sections and all amendments (if any) to the foregoing Sections or Subsections which may be hereafter made, and all laws, rules and regulations that may hereafter be enacted by the said Supreme Council, to govern said Council and Fund, and upon condition that any changes, additions or amendments to the Charter, Constitutions or laws, duly made or enacted subsequent to the issuance of this Benefit Certificate, shall bind the said member and his beneficiaries and shall govern and control the agreement in all respects in the same manner as if such changes, additions or amendments had been made prior to and were in force at the time of the application for membership, and with the statements made by him in his obligation subscribed by him on his application for membership and with the Supreme Secretary's call for extra assessments when made, and upon condition that the said member, for himself and for any person or persons accepting or acquiring any interest in this Benefit Certificate, agrees that no action at law or in equity shall be brought or maintained on any cause or claim arising out of any membership in the Royal Arcanum or on any Benefit Certificate, unless such action is brought within three years from the time when the right of action accrues. These conditions being complied with, the Supreme Council of the Royal Arcanum hereby promises and binds itself to pay out of its Widows and Orphans' Benefit Fund to ..... the sum of ..... dollars in accordance with and under the provisions of the laws governing said Fund, upon satisfactory evidence of the death of said member, and upon the surrender of this Certificate; provided that said member is in good standing in this Order at the time of his death, and provided also that this Certificate shall not have been surrendered by said member and another Certificate issued at his request, in accordance with the laws of this Order.

In witness whereof the Supreme Council of the Royal Arcanum has caused to affixed the Seal and caused this Certificate to be signed by its Supreme Regent and attested and recorded by its Supreme Secretary at Boston, Mass., this ..... day of ..... A. D. 19..

Countersigned: Supreme Secretary.

Supreme Regent.

I accept this Certificate on the conditions named herein, and I do hereby further acknowledge receipt of a true copy of the Constitution, By-laws, laws, rules and regulations of the Royal Arcanum.

(Signature of Member.)

Witnessed and delivered in presence of either

Member, } Of
or Secretary, } Council, No. ..... R. A.

(S. C. R. A., Form No. 101, Aug. 1, 1911.)

ROYAL ARCANUM.

SMALLPOX WAIVER.

I, ... an applicant for membership in ..... Council, No. ..... of the Royal Arcanum, located at ..... State of ..... being the person named in the application hereto annexed, having never been [see Note 1].

vaccinated, and having never had smallpox or varioloid and refusin
be (see Note 2) vaccinated, hereby in behalf of myself and my b
ficiary or beneficiaries, and any and all persons claiming or other
entitled to rights under any Benefit Certificate which may be issue
me by the Supreme Council of the Royal Arcanum, or under my m
bership in said Order, waive all rights under any such certificate
membership in case my death shall be occasioned by, or attributable
either directly or indirectly, the disease known as smallpox, and
nant and agree with said Supreme Council that if my death shall b
occasioned or attributable, then and thereupon my such certificate
become and be null and void, and all rights of said persons as afore
and all liability of said Supreme Council, under said certificate, and
said membership, be forever terminated and the Supreme Council fully
leased from all obligation thereunder. And I also waive all rights
privileges under the Constitutions and Laws of the Royal Arcanum,
any amendments which may be hereafter adopted to any thereof, re
ing to sick and disability benefits, and to the payment to me of
benefits, or for me of my dues and assessments, by any Council of w
I may be a member, in case of my being sick with smallpox, or with
sickness or disability occasioned thereby or attributable, either dire
or indirectly, thereto.

Dated Applicant write his name IN FU

Form.

1. If vaccinated, but unsuccessfully, here write the word "successful
2. If vaccinated, but unsuccessfully, and the applicant refuses re
tion, here write the word "further."

(S. C. R. A., Form No. 23, May 15, 1911.)

ROYAL ARCANUM.

WAIVER ON ENTERING PROSCRIBED OCCUPATIO

I, a member of Council, No. Royal Arcan
located at State of and holding Benefit Certificate No.
being desirous of entering upon the following named occupation, or
that of hereby, in behalf of myself and my beneficiary or be
ficiaries, and any and all persons claiming or otherwise entitled to ri
under any Benefit Certificate which has been or may be issued to me
the Supreme Council of the Royal Arcanum, or under my membership
said Order, waive all rights under any such certificate and membersh
in case my death shall be occasioned by or attributable to, either dire
or indirectly, the said occupation or my engaging therein or work th
under, and covenant and agree with said Supreme Council that if
death shall be so occasioned or attributable, then and thereupon
such certificate shall become and be null and void, and all rights of
beneficiary, beneficiaries and persons as aforesaid, and all liability
said Supreme Council under said certificate and my said membership
forever terminated, and said Supreme Council fully released from
obligation thereunder; and I also waive all rights and privileges un
the Constitutions and Laws of the Royal Arcanum, and any amendme
which may be hereafter adopted to any thereof, relating to sick and
ability benefits, and to the payment to me of sick or disability bene
or for me of my dues and assessments, by any Council of which I may
a member, in case of my being sick or disabled by any sickness or
ability occasioned by my said occupation, or my engaging therein
work thereunder, whether the same shall result, either directly or
directly, therefrom.

Dated 19 Member write his name IN FUL

(S. C. R. A., Form No. 24, May 15, 1911.)

PROSCRIBED OCCUPATION WAIVER ON REINSTATEMENT.

I, a suspended member of
Council, No Royal Arcanum, located at
of holding the person named in Benefit Certificate No.
having been suspended on the day of
having engaged in a proscribed occupation, namely that of
and being desirous of securing reinstatement in said Order, do h

by, in behalf of myself and beneficiary or beneficiaries, and any and all persons claiming, or otherwise entitled to rights under any Benefit Certificate which may be issued to me by the Supreme Council of the Royal Arcanum, or under my membership in said Order, waive all rights under any such certificate and membership, in case my death shall be occasioned by, or attributable to, either directly, or indirectly, the said occupation, or my engaging therein, or work thereunder, and covenant and agree with said Supreme Council that if my death shall be so occasioned or attributable, then and thereupon any such certificate shall become and be null and void, and all rights of said beneficiary, beneficiaries and persons, as aforesaid, and all liability of said Supreme Council under said certificate and my said membership, be forever terminated, and said Supreme Council fully released from all obligation thereunder; and I also waive all rights and privileges under the Constitutions and Laws of the Royal Arcanum, and any amendments which may be hereafter adopted in any thereof, relating to sick and disability benefits, and to the payment to me of sick or disability benefits, or for me or my dues and assessments by any Council of which I may be a member, in case of my being sick or disabled by any sickness or disability occasioned by my said occupation, or my engaging therein or work thereunder, whether the same shall result, either directly or indirectly, therefrom.

Dated 19

Applicant write his name IN FULL.

(R. C. R. A., Form No. 219, Aug. 1, 1907.)

CERTIFICATE OF ADOPTION OF BY-LAWS OR AMENDMENTS.

_____ _____ 19--
(City or town.) (State.) (Date.)

This is to certify that the annexed (*amendment to the) By-laws of Council, No. , R. A. were proposed in writing, signed by two members of the Council, read at a stated meeting of the Council, held on the day of 19 , entered on the records, laid over and read at another stated meeting, held on the day of 19 , and passed at a stated meeting, of the Council, held on day of 19 , by a { *unanimous / two-thirds } vote of the members present, pursuant to Sections 28 and 29 of the Constitutions and Laws of our Order.

[Seal.]

Secretary, Council, No. R. A.

Erase unnecessary words. See Section 31.

(R. C. R. A., Form No. 224, Aug. 1, 1906.)

[*Election of New Rate after Sixty-five.*]

ROYAL ARCANUM.

Council, No. , located at State of

To ALFRED T. TURNER, Supreme Secretary,
SUPREME COUNCIL OF THE ROYAL ARCANUM:

I, the undersigned, hereby request the privilege of electing, and do hereby elect, as my assessment rate and amount, the amount which I am permitted to elect under the provisions of paragraph sixteen of Section 29 (See reverse side) with all the privileges and subject to all deductions, obligations and liability in said paragraph set forth, to each and all of which I hereby consent and agree.

I request that the said privilege commence, and said election take effect, on the assessment due the last day of 19 , on which date I shall be over 65 years of age, and agree that the interest due under said paragraph shall be computed, payable and compounded on and as of each anniversary of said day, and up to the date of my decease.

Number of Benefit Certificate.

Amount of Certificate $ Amount of Assessment $

Dated 19 Member will write his name IN FULL.

Address

The above has been noted on the Collector's books.

Collector.

(Seal.)

Attest:

Secretary.

(S. C. R. A. Form No. 22. Aug. 1, 1902.)

Per Constitution of Privileges Accorded under Section 4200 (16).

ROYAL ARCANUM.

Ma. Alfred T. Turner, Supreme Secretary.

Dear Sir and Bro.:—

I, the undersigned member of Council, No. , holder of Benefit Certificate No. , issued by the Supreme Council for $, having made the election and applied for and received the privilege accorded under Section 22, paragraph 14, beginning with Assessment No. , hereby cancel the same and surrender such privilege and direct that this cancellation and surrender shall be effective upon the receipt hereof by the Supreme Secretary, it being my wish and purpose to pay my assessments hereafter in full, beginning with Assessment No.

(A) I hereby modify such cancellation and surrender to the extent and effect that the amount charged against my Benefit Certificate by the Supreme Council on Assessments Nos. inclusive, amounting to $, together with such interest as has accrued thereon, amounting to $, and also such additional interest as shall accrue thereon computed and compounded annually to the time of my decease, be, and I hereby agree that the same shall be charged to and deducted from the amount of benefit otherwise payable under said certificate at my death.

(B) I herewith tender and pay to the Collector of my Council the amount charged against my Benefit Certificate by the Supreme Council, covering Assessments Nos. inclusive, amounting to $ with interest thereon to date, amounting to $

Yours in V. M. C.,

Member of Council, No.

(C) I hereby certify that the proper entries, in accordance with the foregoing, have been made upon the books of this Council.

(D) I further certify that I have received from Bro. $ principal, and interest thereon amounting to $, which amounts are herewith forwarded to the Supreme Secretary.

Attest: Collector.

Secretary.

[Seal.]

[The member should strike out paragraph A or B so as to express his wishes. The Collector should execute or strike out Certificate D to conform therewith.]

BY-LAWS OF COUNCILS.

GUIDES IN FRAMING.

1. A By-law must not conflict with, nor repeat any portion of the Constitutions and Laws of the Order. Before framing a By-law, ascertain, by careful examination of the Constitutions and Laws and the index thereto, whether the provision intended by it is contained therein or contrary thereto.

A By-law must not repeat any part of the Constitutions or Laws.

SIMPLICITY AND BREVITY.

2. The necessary By-laws are few in number, and should cover in briefest language only those particulars in regard to which the laws of the Order cannot make general provisions, as the time for stated meetings, Degree Fee, Dues, etc.

FEES.

3. No fees should be mentioned for which the Constitutions and Laws provide, such as the fee for charges of B. C., Withdrawal Card, fee of Medical Examiner-in-Chief, and State Medical Examiner. If a Council intends to have its By-laws printed, and desires to give therewith these items of information, it can be easily arranged, either in a note or appendix thereto.

FINES.

4. The only authority given a Council to impose by By-law a fine, is for wilful non-attendance of officers at stated meetings.

The sum charged for use of the Loan Fund in paying assessments is not a fine, and should not be so called. It is a fee for the use of the fund.

BY-LAWS.

Of Council, No. R. A.

ARTICLE I. MEETINGS.

Section 1. Stated meetings shall be held on the second and fourth Thursdays of each month at 7.30 o'clock P. M., from and including Oct.

1 to May 1, and eight o'clock P. M., from and including May 1 to Oct. 1.

Section 2. If the stated meeting, as fixed in Section 1, shall fall upon a legal holiday, the same shall be held on the.....next preceding the time so fixed therefor, at the same hour, and notice thereof mailed to each member at the address appearing upon the Secretary's books.

ARTICLE II. FEES.

Section 1. The Degree Fee shall be Five Dollars.

Section 2. The fee for deposit of card shall be Two Dollars.

(In case the fee of Medical Examiner is to be more than Two Dollars, then a Section should here be provided, viz:—

Section 3. The fee for Medical Examiner shall be Three Dollars.)

ARTICLE III. DUES.

Section 1. The Quarterly Dues shall be One Dollar, and for a fraction of a quarter less than one half, seventy-five cents.

ARTICLE IV. LOAN FUND.

For Payment of Assessments.

Section 1. .....Dollars shall be paid from the General Fund to the Collector for a Loan Fund. Before ten o'clock P. M. of the day upon which a regular monthly assessment is due and payable, and on the day, and before the hour of the expiration of a call for an extra assessment, the Collector shall pay from this fund such assessment for each member who has not paid the same, and shall immediately send to such member a bill for the assessment, and twenty-five cents additional for the use of the fund. The amounts received for the use of the Loan Fund shall be added to the fund.

Section 2. A member failing to reimburse the Loan Fund, and pay the fee for the use of the same, before the day upon which expires the time for paying the next assessment after that so paid as aforesaid, shall not be entitled to the use of said fund again unless so ordered by the Council. PROVIDED, HOWEVER, that the Collector shall not pay such assessment for a member who has previously to said first-named day notified him in writing either that he wishes to be suspended upon such assessment, or that he does not wish to have the same paid for him from said fund.

ANOTHER FORM of such a By-Law, preferred by some Councils, and acceptable to the Committee, is as follows:—

Section 1.....Dollars shall be paid to the Collector for a Loan Fund. Before 10 o'clock P. M., of the day upon which a regular monthly assessment is due and payable, and on the day and before the hour of the expiration of a call for an extra assessment, the Collector shall pay from this fund such assessment for each member who has not paid the same, and who is not then indebted to said fund or the Council for an assessment, previously so paid for him, and the fee for the use thereof; and the Collector shall immediately send to such member a bill for the assessment and twenty-five cents additional for the use of the fund, to be added to the Loan Fund.

Section 2. A member failing to reimburse the Loan Fund, and pay the fee for the use of the same, shall not be entitled to the use of said fund again unless so ordered by the Council.

Section 3. The Council may, at any time, direct the transfer to the General Fund of any excess in the Loan Fund above the amount of the original appropriation.

FOR SUPREME COUNCIL DUES.

Section 4. On or before the thirtieth day of June and the thirty-first day of December in each year a sum equal to.....cents for each member of the Council then in good standing shall be paid from the General Fund to the Collector as a special Loan Fund for the payment of Supreme Council Dues. On the day upon which a semi-annual instalment of the Supreme Council Dues is payable, the Collector shall pay from this fund such instalment for each member who has not paid the same, and who is not then indebted to the Council for an assessment paid by it from its Loan Fund, or otherwise, for him, and the fee provided for such payment.

ARTICLE V. COMMITTEES.

Section 1. The Regent shall, upon the night of his installation, appoint a Committee of Three on the Good of the Order, who shall co-operate with the Orator in promoting the social features of the Order.

(Here provide for any other special committees the Council may desire, which are not provided for in Constitutions or Laws.)

ARTICLE VI. INVESTED FUNDS.

Section 1. One third of all the receipts for the General Fund, after the payment of current expenses, shall be paid to the Trustees for invest-

ment, at the first meeting in each quarter; and the Trustees shall
all investments to the Council.
(A Council may not desire such a By-law, or prefer a different
of transfer to Trustees, and the By-law may be adopted, or varied
accordingly.)

ARTICLE VII. SALARIES.

Section 1. The salaries of officers, payable semi-annually on the
meeting night in June and December (or monthly, as the Council pre
shall be as follows: Secretary.....Dollars; Collector.....Do
Sentry.....Dollars.
If a different method of payment is desired, this By-law can be v
accordingly, as, for instance:
Section 1. A sum equal in amount to that which they have paid
dues and assessments during the first six months' service in that
spective offices, shall be paid for that period for the Secretary, Coll
and Sentry, and thereafter one dollar for each meeting of the Coun
(Or this form may be varied as each Council may wish.)

ARTICLE VIII. BONDS.

Section 1. The amount of the officers' bonds shall be as follows:—

Secretary.....hundred dollars;
Collector.....hundred dollars;
Treasurer.....hundred dollars;
Trustees, separate bonds.....hundred dollars each

ARTICLE IX. WEEKLY BENEFITS.

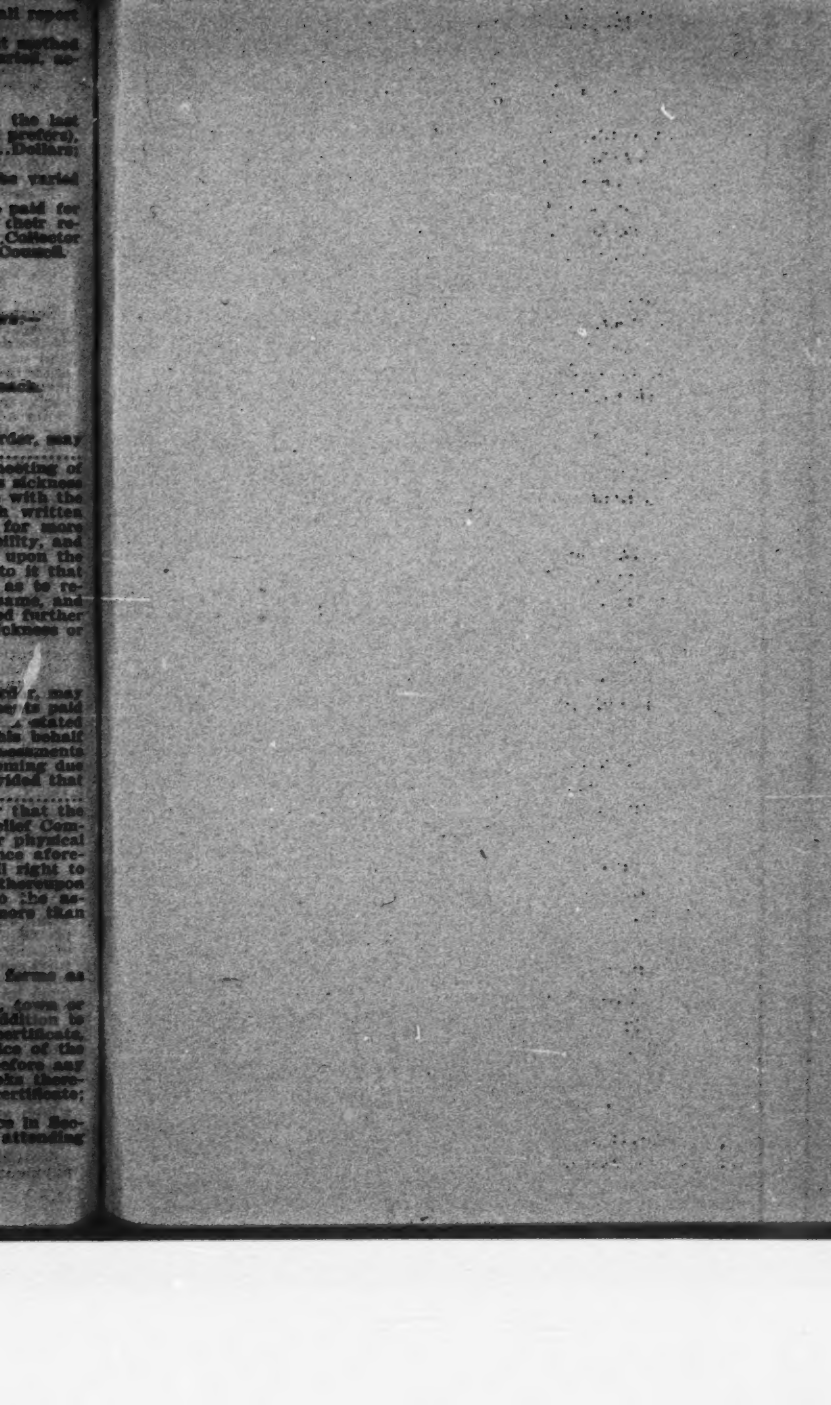
Sec.—A member to whom the Council, under the laws of the Order,
pay sick benefits, shall be entitled to receive a weekly benefit of .....
dollars from and after the receipt by the Council at a stated meeti
written notice from the member or some one in his behalf of his sic
or disability, the payment of such weekly benefits to commence wit
week beginning on and after the date of the receipt of such w
notice; provided, that no such weekly benefits shall be paid for
than.....weeks in any one sickness or disability;
provided further that the Council may, at any stated meeting, upo
report of the Relief Committee or other evidence satisfactory to it
the financial or physical condition of the member is not such as t
quire the assistance aforesaid, by majority vote terminate the same
thereupon all right to such sick benefits shall cease; and provided fu
that to entitle such member to the assistance aforesaid, such sickne
disability continues for more than one week.

PAYMENT OF DUES AND ASSESSMENTS.

Sec.—A member to whom the Council, under the laws of the Ord
pay sick benefits, shall be entitled to have his dues and assessme
by the Council from and after the receipt by the Council, at a
meeting, of written notice from the member or some one in his
of his sickness or disability, the payment of such dues and assess
to commence with the dues and assessments maturing and becomin
on and after the date of the receipt of such written notice; provided
no dues and assessments shall be paid for a longer period than.....
months in any one sickness or disability; and provided further tha
Council may, at any stated meeting, upon the report of the Relief
mittee or other evidence satisfactory to it that the financial or ph
condition of the member is not such as to require the assistance
said, by a majority vote terminate the same, and thereupon all rig
the payment of dues and assessments, as aforesaid, shall there
cease; and provided, further, that to entitle such member to th
sistance aforesaid, such sickness or disability continues for more
one week.

PROOF FROM ABSENT MEMBER.

Further provisions may be added to each of the foregoing forms
follows:—
If a member is sick or disabled while absent from the (city, tow
district) in which this Council has jurisdiction, he shall, in addit
the written notice named above, furnish the Council with a certi
signed by his attending physician and sworn to before a Justice o
Peace or Notary Public, giving a statement of his condition, before
sick benefits are allowed to him, and at least once in two weeks
after during his sickness or disability, shall furnish a like certi
otherwise he shall be deprived of such benefits.
The Council may also desire to provide that the written notice
tion 1 shall be accompanied by the certificate of the member's atte
physician setting forth in detail his condition.



Supreme Council of the Royal Arcanum

Officers for 1914—15.

*Supreme Regent, FRANK B. WICKERSHAM, Room 409-411 Bergner Bldg., Harrisburg, Pa.
*Supreme Vice-Regent, SAMUEL N. HOAG, 219 S. First Ave., Mt. Vernon, N. Y.
*Supreme Orator, C. ARCH WILLIAMS, 1020 Rector Bldg., Chicago, Ill.
*Retiring Past Sup. Regt., F. T. McFADEN, 849 W. Grace St., Richmond, Va.
*Supreme Secretary, ALFRED T. TURNER, Box B, Sta. A, Boston, Mass.
*Supreme Treasurer, A. S. ROBINSON, . Granite Building, St. Louis, Mo.
Examiner of Claims, JOHN HASKELL BUTLER, . . . 246 Washington St., Boston, Mass.
*Supreme Auditor, Wm. F. McCONNELL, 203 Broadway, New York, N. Y.
Supreme Chaplain, CARLETON E. HOADLEY, Box 237, New Haven, Conn.
Supreme Guide, S. M. BRINSON, ... New Bern, N. C.
Supreme Warden, Wm. T. DARNEY, Chamber of Commerce, Richmond, Va.
Supreme Sentry, CLAUDE R. ZAPPONE, The Portner, Washington, D. C.

Supreme Trustees.

H. K. LATHY, ... Camden House, Philadelphia, Pa.
JOHN J. HOGAN, ... 53 Central St., Lowell, Mass.
CHARLES G. BALSLEMO, ... 1115 Montague St., Brooklyn, N. Y.

Committee on Finance.

CHARLES J. TAYLOR, ... 1109 W. Camden St., Baltimore, Md.
W. C. SHURTLEFF, ... 360 W. Washington St., Chicago, Ill.
ARBEDEE PETRO, ... 4112 Pine St., St. Louis, Mo.

Committee on Laws.

*HOWARD C. WIGGINS, ... Rome, N. Y.
ARTHUR C. SALMON, ... 171 Atlantic Ave., Brooklyn, N. Y.
FRANKLIN RUSSWURM, . Rankin Bldg., 20 W. Gay St., Columbus, Ohio.

Committee on Appeals.

URIAH W. TOMPKINS, ... 256 Broadway, New York, N. Y.
W. H. DRUCKEMILLER, ... Sunbury, Pa.
JAS. B. McKILLOP, ... London, Ont.

Committee on Council Work.

HARRY R. WARD, ... 871 Bergen Ave., Jersey City, N. J.
J. E. DYSART, ... Ottumwa, Iowa.
R. A. BROCK, ... 138 Ballantyne Ave., Montreal West, Que.

Junior Past Supreme Regent.

*CLOVIS H. BOWEN, ... Box 634, Pawtucket, R. I.

Elective Members of the Executive Committee.

*J. A. LANGFITT, ... 1020 Bergner Bldg., Pittsburg, Pa.
*W. HOLT APGAR, ... 56 East State St., Trenton, N. J.

Medical Examiner-in-Chief.

SANFORD HASKOCK, M. D., ... East Somerville, Mass.

[Those marked * constitute the Executive Committee.]

Wm. Clyde, Legal Adviser of the Officers of the Supreme Council, and Gen. Counsel.

pects to prove at the trial, that prior to the change of beneficiary the plaintiff advised the Collector of Oriental Council, who was charged with receiving assessments, that she would pay no more assessments, and desired to be repaid those which had paid. She also desired the said Council to pay future assessments. She was informed by said Collector that the assessments could not be repaid to her, and that the Council could not pay future assessments, and that unless assessments and dues were paid her husband's name would be dropped from the roll of membership, that thereupon the plaintiff discontinued paying assessments, and subsequent assessments were paid by her husband or his son-in-law Baltimore.

ALFRED T. TURNER.

Subscribed and sworn to before me, this 3rd day of May, 1915.

ALFRED B. PLATT,
Notary Public.

(Here follows Exhibit A—Constitution and By-laws of Royal Arcanum, marked page 20.)

21 *Stipulation.*

Filed May 13, 1915.

* * * * * * *

It is hereby stipulated and agreed between the respective parties to this cause, that the Constitution and Laws of the Royal Arcanum in book form, shall be treated and considered as a part of the record in this cause, with the right of either party to use such parts thereof as he may desire in any Court in which the matter is presented.

W. GWYNN GARDINER,
Attorney for Plaintiff.
PHILIP WALKER,
Attorney for Defendant.

Supreme Court of the District of Columbia.

FRIDAY, July 9th, 1915.

Session resumed pursuant to adjournment, Hon. Wendell P. Stafford, Justice, presiding.

* * * * * * *

Upon consideration of the motion of defendant filed herein by its attorney for leave to file an additional plea, it is ordered that said motion be and the same is hereby overruled.

Further upon consideration of plaintiff's motion filed herein by her attorney, for judgment against the defendant for failure to file a good and sufficient affidavit of defense heretofore reargued and submitted, it is ordered that said motion be and the same is hereby granted. Wherefore, it is considered, that the plaintiff herein recover of the defendant, the sum of Three Thousand Dollars ($3,000.00), with interest thereon from the 20th day of October, 1914, being the money payable to her by defendant by reason of the premises, together with costs of suit to be taxed by the Clerk and have execution thereof.

From the foregoing the defendant by its attorney of record, in open Court, notes an appeal to the Court of Appeals; whereupon, the penalty of a bond to operate as a supersedeas is hereby fixed in the sum of Four thousand Dollars.

Memorandum.

July 28, 1915.—Appeal Bond (Supersedeas) approved and filed.

Assignment of Error.

Filed July 28, 1915.

* * * * * * *

The court erred in entering judgment for the plaintiff for want of sufficient affidavit of defense.

PHILIP WALKER,
Attorney for Defendant.

22 *Designation for Transcript.*

Filed July 28, 1915.

* * * * * * *

John R. Young, Esq., Clerk:

Will you please cause to be made up a transcript of record in the above entitled cause, for appeal to the Court of Appeals, including the following:

1. Amended declaration and affidavit.
2. Amended pleas, affidavit and exhibit.
3. Motion for judgment and notice of hearing.
4. Order continuing hearing with leave to defendant to file amended pleas and affidavit.
5. Stipulation of counsel as to inclusion of charter and by-laws of defendant.
6. Judgment.
7. Notice of appeal in open court and order fixing bond.
8. Approval of bond.
9. Assignment of error.
10. This designation.

PHILIP WALKER,
Attorney for Defendant.

Supreme Court of the District of Columbia.

UNITED STATES OF AMERICA,
District of Columbia, ss:

I, John R. Young, Clerk of the Supreme Court of the District of Columbia, hereby certify the foregoing pages numbered from 1 to 35, both inclusive, to be a true and correct transcript of the record, according to directions of counsel herein filed, copy of which is made part of this transcript, in cause No. 57730 at Law, wherein Sue B. Behrend is Plaintiff and Supreme Council, Royal Arcanum, a Corporation, is Defendant, as the same remains upon the files and of record in said Court.

In testimony whereof, I hereunto subscribe my name and affix the seal of said Court, at the City of Washington, in said District, this 21st day of August, 1915.

[Seal Supreme Court of the District of Columbia.]

J. R. YOUNG, *Clerk.*
By ALF G. BUHRMAN,
Assistant Clerk.

Endorsed on cover: District of Columbia Supreme Court. No. 2864. Supreme Council of the Royal Arcanum, a corporation, appellant, vs. Sue B. Behrend. Court of Appeals, District of Columbia. Filed Aug. 21, 1915. Henry W. Hodges, clerk.

23 THURSDAY, January 6th, A. D. 1916.

No. 2864.

SUPREME COUNCIL OF THE ROYAL ARCANUM, a Corporation, Appellant,
vs.
SUE B. BEHREND.

The argument in the above entitled cause was commenced by Mr. Philip Walker, attorney for the appellant, and was continued by Mr. W. G. Gardiner, attorney for the appellee, and was concluded by Mr. H. C. Wiggins, attorney for the appellant.

24 No. 2864.

SUPREME COUNCIL OF THE ROYAL ARCANUM, a Corporation, Appellant,
v.
SUE B. BEHREND.

Opinion.

Mr. Chief Justice SHEPARD delivered the opinion of the Court:

This is an action brought by Sue B. Behrend against the Supreme Council of the Royal Arcanum to recover $3,000, the amount of a certificate of insurance, upon the life of Samuel K. Behrend, her husband, who was a member of said association.

The declaration in ordinary form with several counts set out the certificate and the claim of the plaintiff as beneficiary therein and was accompanied with an affidavit in compliance with the 73d rule.

The defendant filed pleas setting up that it is a fraternal beneficial association organized under the laws of the State of Massachusetts; that about March 1, 1899, the benefit certificate was issued to Samuel K. Behrend as a member of the council in Washington, by which, under certain conditions it agreed to pay plaintiff, as beneficiary, the sum of $3,000 upon the death of said Samuel K. Behrend, provided the certificate had not been surrendered by the member and a new certificate issued at his request in accordance with the laws of the order; that the laws of the plaintiff's order in force at the time of the issuance of this certificate authorized a change of beneficiary and provided the manner of effecting the same. A printed copy of said laws was attached to the pleas and made part of the affidavit and it is agreed to be taken as a true statement of the constitution and laws of the plaintiff; that about August 8, 1913, the said member, Behrend, in accordance with the laws and rules of the order satisfied the Supreme Secretary that the certificate was beyond his control and surrendered all claim thereunder and directed the defendant to issue to him a new certificate payable to his daughter and son, named therein, and, upon payment of the required fee, had

delivered to the member a new certificate in which the defendant agreed to pay to the said beneficiaries the sum of $3,000 upon the death of the said member; that thereby the certificate formerly issued to plaintiff as beneficiary has become null and void; that said S. K. Behrend was of sound mind when the aforesaid change of certificate was directed to be issued and was issued. Other pleas similar to these were filed also.

The affidavit of defense set up all the facts in detail supporting the defense pleaded.

Upon motion, the court, holding the plaintiff's affidavit sufficient and that of the defendant insufficient, rendered judgment for the plaintiff for the full amount of her claim.

The constitution and laws of the Royal Arcanum, referred to above, showed articles of incorporation duly filed and certified under the laws of the State of Massachusetts as a fraternal and beneficial association.

The objects of the order are: First, to unite fraternally all white men of sound bodily health and good moral character who are socially acceptable and between eighteen and fifty-five years of age. Second, to give all moral and material aid in its power to its members and those dependent upon them. Third, to educate the members socially, morally, and intellectually; and to assist the widows and orphans of deceased members. Fourth, to establish a fund for the relief of distressed and sick members. Fifth, to establish a fund for the payment of disability and old age benefits. Sixth, to establish a widows and orphans' benefit fund, from which, on satisfactory evidence of the death of a member who has complied with all its lawful requirements, a sum not exceeding three thousand dollars shall be paid to the wife, children, relative of, or persons dependent upon such member, as limited and described in the laws of said order.

The general laws provide that no persons shall be admitted to membership except between the ages of eighteen and fifty-five years, must be a man of sound health, of good moral character, believer in a supreme being and competent to earn a livelihood for himself and family.

Certain occupations are proscribed. These include selling or serving intoxicating liquors at retail or wholesale and certain railroad employees, enlisted men in the army, enlisted men in the navy, electric railway or light linemen, telegraph and telephone linemen and other dangerous occupations.

Each applicant is required to sign an application for admission to membership giving his birth, age, occupation residence and so forth, and the name, residence and relationship or dependence of his proposed beneficiary. The application must be accompanied with a fee for a medical examination. The medical examiner is required to make a careful examination and report. If rejected by the supervising medical examiner he shall be declared ineligible. If he refuses or neglects to undergo an examination within six weeks from the date of the secretary's notice he shall be declared rejected. Each applicant on presenting himself shall sign the application to the order to pay to the widows and orphans' benefit fund the assessment for the

current month prescribed and fixed for his age as the time of receiving the degree. Each applicant receives a benefit certificate and he shall enter upon his application the name or names, residence, relationship or dependence of the person or persons of the classes entitled to whom he desires his benefit paid and the same shall be entered in the benefit certificate according to said direction. A list of the persons designated included members' wives, children, parents, brothers and sisters and so forth.

Rule 333 of the order provides that a member may, at any time when in good standing, pay a fee of fifty cents, make a written surrender of his benefit certificate, and direct that a new certificate be issued to him, payable to such beneficiary or beneficiaries as such member may designate, in accordance with the laws of the order.

Rule 336 provides that in case a benefit certificate is lost or beyond a member's control, the member may, in writing, surrender all claim thereto and direct that a new certificate be issued to him payable to the same or a new beneficiary or beneficiaries in accordance with the laws of the order, and be entitled to such new certificate if but not until, he shall furnish proofs of the facts in the case by an affidavit or otherwise to, and to the complete satisfaction of the secretary, and shall pay the required fee of fifty cents.

Rule 337, the change of beneficiary, if the new beneficiary is a person who would be a legal beneficiary, shall take effect upon the delivery of the benefit certificate, the written surrender and direction for change as provided in the laws of the order, and in case the certificate is lost or beyond the control of the member the proof thereof, and the payment of the fee of fifty cents to the regent, secretary, and so forth.

Rule 338 provides the issuing of a new benefit certificate, in accordance with the laws of the order, shall cancel and render null and void any and all previous certificates issued to the member, but this provision shall not limit or affect any other law of the order rendering null and void such previous certificate, nor shall such issuance be a necessary condition precedent to such cancellation.

Other rules provided tables for assessing the payments on certificates adjusted to the ages of members and these assessments shall be paid to the collector without notice in twelve regular assessments in each calendar year.

These assessments constitute the widows and orphans' benefit fund and it is provided that whenever that fund shall exceed the amount of the liabilities then reported, and it shall be deemed advisable to do so, the treasurer shall transfer such excess to and for a fund known as The Emergency Fund and notify the Supreme Secretary of the time and amount of such transfer, and it provides that this fund may be used to pay current mortuary liabilities, or permanent disability or old-age benefits, whenever the Supreme Council by a two-thirds vote shall so direct. The income of said fund shall be added to the fund and become a part thereof and the same shall not be used for any other purpose than the payment of mortuary liabilities or disability or old-age benefits. It is also provided that a member who becomes totally and permanently disabled as a result of disease

or accident and is seventy years of age or upwards shall be entitled to receive a disability or old-age benefit. These amounts shall be such as the executive committee shall deem equitable and just.

Rule 606 provides, as a means of promoting the social and fraternal features of the order, councils or members may organize auxiliary societies of ladies, hospital associations and employment bureaus.

The aforesaid book of constitution and laws provided in detail the duties of all officers and the form of applications and questions to be propounded by medical examiners, but the provisions noted above are all that seem material to the case.

The only substantial allegation of the plaintiff's affidavit undenied in the affidavit of defense is that the application of the insured for membership, upon which the certificate issued, is not attached thereto.

The certificate was issued upon the application of Behrend to become a member of a subordinate council established in the District of Columbia. The courts of that jurisdiction have the right to inquire into and determine the character of business carried on by the defendant therein. This does not interfere with the internal administration of the affairs of the defendant, and is a matter for the determination of the court in the jurisdiction where the particular business is carried on. Marcus v. Heralds of Liberty, 241 Pa. St., 429-432.

That the defendant was a fraternal beneficial association organized under the laws of the State of Massachusetts is not material. It was authorized to engage in a system of assessment life insurance, and it was that business which is carried on in the District of Columbia through its subordinate council. National Union v. Marlow, 74 Fed., 775; Corley v. Traveler's Protective Ass'n, 105 Fed., 854-859; Rockhold v. Canton Masonic Mutual Benevolent Society, 129 Ill., 440-457; Supreme Council American Legion of Honor v. Larmour, 16 S. W., 633 (Texas, 1891); Kansas v. National Ass'n of the Farmers and Mechanics' Mutual Aid Ass'n, 35 Kans., 51; Modern Brotherhood v. Lock, 22 Colo. App., 409; Grimes v. Northwestern Legion of Honor, 64 N. W., 806-808 (Iowa, 1895).

In case last cited the association was similar in its objects and organization with that here involved.

The court said: "We have set forth enough with reference to the character of this organization to demonstrate that it is dual in
26 nature. Its professed objects are fraternity, benevolence, and charity, and in addition, a more substantial feature, in which it promises to pay a certain sum upon the death of a member, to the beneficiary. It has many features common to mutual benefit societies, and, if the secret part were divorced from the beneficial, it would very clearly be a mutual benefit society, pure and simple. With the secret, the fraternal, and the charitable part of the society we have nothing to do. This action is to recover a sum of money claimed to be due on contract to the beneficiary of one of the beneficial members, and it is of its character as a beneficial society or business organization that we are to inquire. It is well settled that, in dealing with such societies, very different rules apply, and vary-

ing conclusions will be reached, as we consider one class of objects or the other. Looking, then, to the beneficial part of this organization, its objects and purposes, we think it manifest that its business, in form and substance, is life insurance, although not based upon the ordinary principles underlying the philosophical theory of life insurance. It is based almost wholly on assessments levied from time to time, as occasion may require, and is a cheap form of insurance. There is here an agreement, for a consideration, namely, the assessments paid and to be paid, by which one party promises to make a certain payment of money, upon the death of another, to a beneficiary who is named in the certificate.

All of the cited cases involve transactions by mutual associations similar in objects to the Royal Arcanum, and, after a full statement of the business transacted, conclude that it is that of life insurance on the assessment plan, and, as such, subject to the laws of the state where issued and tried.

Section 657 of the Code of the District of Columbia requires each life insurance company, benefit order or association doing a life insurance business to deliver with each policy a copy of the application made therefor so that the whole contract may appear in said application and policy, in default of which no defense shall be allowed to such policy on account of anything contained in, or omitted from, such application.

It follows, therefore, that this section is not applicable to the defense in this case because it is not based on anything contained in or omitted from the policy and does not, therefore, support the judgment rendered.

It is apparent that the defense set up in the pleas and affidavit is not on account of anything set up or omitted from the said application.

Admitting that the insured is a member in good standing, had paid all assessments, and that his certificate was valid, the defense is that as a member of this mutual association he accepted the certificate with the knowledge that he might change the beneficiary by complying with the laws of the order provided therefor.

This change was made in due compliance with the laws.

The certificate was issued, received, and held by the beneficiary subject to this right to change the beneficiary.

The plaintiff had no vested interest that rendered the laws of the order inoperative as to her. Berkeley v. Harper, 3 App. D. C., 308-313; Grand Lodge v. Kohler, 106 Mich., 121; Holden v. Modern Brotherhood, 151 Iowa, 673-680; Lahey v. Lahey, 174 N. Y., 146; Voigt v. Kersten, 164 Ill., 314.

If, therefore, as set up in the pleas, the defendant can show that the insured, being of sound mind at the time, regularly changed the beneficiary in the certificate, in compliance with the laws of the order, the old certificate became null and void and plaintiff would have no right to recover upon it.

It was error to render the judgment for plaintiff on the affidavit and the same is reversed with costs and the cause remanded for further proceedings in conformity with this opinion.

Reversed.

27 MONDAY, March 6th, A. D. 1916.

No. 2864. January Term, 1916.

SUPREME COUNCIL OF THE ROYAL ARCANUM, a Corporation, Appellant,
vs.
SUE B. BEHREND.

Appeal from the Supreme Court of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings in conformity with the opinion of this Court.

Per MR. CHIEF JUSTICE SHEPARD,
March 6, 1916.

28 In the Court of Appeals of the District of Columbia, October Term, 1915.

No. 2864.

SUPREME COUNCIL OF THE ROYAL ARCANUM, Appellant,
vs.
SUE B. BEHREND, Appellee.

Comes now the appellee in the above entitled cause, by her counsel, and moves the Court to grant her a rehearing in the above cause, and for grounds therefor respectfully refers this Honorable Court to the brief attached to this Motion and made a part thereof.

DANIEL THEW WRIGHT,
Attorney for Appellee.

(Endorsed:) No. 2864. Supreme Council of the Royal Arcanum vs. Sue B. Behrend. Motion for rehearing. Court of Appeals, District of Columbia. Filed Mar. 17, 1916. Henry W. Hodges, Clerk.

29 SATURDAY, March 25th, A. D. 1916.

No. 2864. January Term, 1916.

SUPREME COUNCIL OF THE ROYAL ARCANUM, a Corporation, Appellant,
vs.
SUE B. BEHREND.

Upon consideration of appellee's motion for a rehearing in the above entitled cause, It is by the Court this day ordered that the

judgment entered herein on the 6th day of March, 1916, be, and the same is hereby, set aside and for nothing held, and that a rehearing be, and the same is hereby, granted.

The question to be argued is this: Had the beneficiary of the certificate a vested interest in the same that could not be divested by the issue of a substitute certificate without the surrender of the original and without the consent of the beneficiary named in the original certificate?

Per CURIAM,
March 25, 1916.

MONDAY, April 3rd, A. D. 1916.

No. 2864.

SUPREME COUNCIL OF THE ROYAL ARCANUM, a Corporation,
Appellant,
vs.
SUE B. BEHREND.

The re-argument in the above entitled cause was commenced by Mr. Philip Walker, attorney for the appellant.

TUESDAY, April 4th, A. D. 1916.

No. 2864.

SUPREME COUNCIL OF THE ROYAL ARCANUM, a Corporation,
Appellant,
vs.
SUE B. BEHREND.

The re-argument in the above entitled cause was continued by Mr. Philip Walker, attorney for the appellant, and by Mr. W. G. Gardiner, attorney for the appellee, and was concluded by Mr. Howard C. Wiggins, attorney for the appellant. On motion the
30 appellant is allowed to file additional authorities herein if so advised.

31 Court of Appeals of the District of Columbia.

No. 2864.

SUPREME COUNCIL OF THE ROYAL ARCANUM, a Corporation,
Appellant,
v.
SUE B. BEHREND, Appellee.

Opinion.

Mr. Justice Robb delivered the opinion of the Court:

The appellee having filed a petition for a rehearing, it was allowed upon the following point: Had the beneficiary of the certificate a

vested interest in the same, that could not be divested by the issue of a substitute certificate without the surrender of the original and without the consent of the beneficiary named in the original certificate?

The so-called benefit certificate, which we have held to be in effect a policy of insurance, was issued March 1, 1899. In it the appellant corporation promised to pay "to Sue B. Behrend (wife)" a sum not exceeding $3,000, "upon satisfactory evidence of the death of said member, and upon the surrender of this certificate; Provided that said member is in good standing in this order at the time of his death, and provided also that this certificate shall not have been surrendered by said member and another certificate issued at his request, in accordance with the laws of this order." Appended to the certificate was a "Form for Change of Beneficiary," which apparently requires the surrender of the certificate as a condition to the issuance of another. In the affidavit of merit accompanying the declaration it is alleged that nothing was attached to or accompanied the certificate when it was issued; that Behrend, to whom it was issued, paid the first premium and then delivered the certificate to his wife, the appellee, as a wedding present; that it since has been in her possession and that she has "paid practically all of the premiums on the same out of her separate estate." Attached to and made a part of the affidavit is a copy of a letter which she received from the company's secretary, under date of September 4, 1913, and reading in part as follows:

"MADAM: Your husband, Mr. Samuel K. Behrend, has made affidavit that his benefit certificate is held by you, and has furnished evidence which is satisfactory to me that it is beyond his control, and as provided in our law I have issued him a new benefit certificate, which cancelled and rendered null and void any and all certificates previously issued to him."

Appellant now seeks to avoid its liability upon the ground that under rule 336 of the order, quoted in full in the former opinion, a member was authorized to obtain the issuance of a new certificate by satisfying the secretary that the old was beyond his control. But in making this contention appellant entirely overlooks our ruling that the business in which it was engaged in this District was "a system of assessment life insurance," and that the laws of the District applicable to business of that kind apply.

When this policy was issued the act of January 26, 1887 (24 Stat., 367), required each life insurance company doing business here to attach to every policy issued by it "a copy of the application made by the insured so that the whole contract" might appear in said application and policy. Later this act was superseded by section 657 of the Code, but as the effect of these two provisions of law is the same, it is unnecessary for us to determine, which applies here. The later enactment simply makes plainer the intent of the former, namely, that no defense to a policy should be permitted that was based upon something not contained therein or not attached thereto. Metropolitan Life Ins. Co. v. Hawkins, 31 App. D. C.,

493; Metropolitan Life Ins. Co. v. Burch, 39 App. D. C., 397. It follows, therefore, that we must look solely to the terms of the contract, that is, to the terms of this so-called benefit certificate, to determine the measure of the insured's rights to change the beneficiary.

32 The appellee, as previously stated, was the wife of Behrend at the time this policy was issued, and was named as the beneficiary therein. Not only this, but the policy was delivered to and subsequently held by her, and the second policy was issued without her consent. In our view, the rule laid down in Washington Central Bank v. Hume, 128 U. S., 195, is controlling here. In that case it was ruled that a married man may rightfully devote a moderate portion of his earnings to insure his life for the purpose of making reasonable provision for his family after his death, without being held to intend to hinder, delay or defraud his creditors, provided that no such fraudulent intent is shown to exist or must necessarily be inferred from the surrounding circumstances. After pointing out that the wife and children have an insurable interest in the life of the husband and father, the court said: "We think it can not be doubted that in the instance of contracts of insurance with a wife or children, or both, upon their insurable interest in the life of the husband or father, the latter, while they are living, can exercise no power of disposition over the same without their consent, nor has he any interest therein of which he can avail himself, nor upon his death have his personal representatives or his creditors any interest in the proceeds of such contracts which belong to the beneficiaries to whom they are payable.

It is indeed the general rule that a policy, and the money to become due under it, belong, the moment it is issued, to the person or persons named in it as the beneficiary or beneficiaries, and that there is no power in the person procuring the insurance by any act of his, by deed or by will, to transfer to any other person the interest of the person named." It was held that this rule applied "in respect to policies running to the person insured, but payable to another having a direct pecuniary interest in the life insured." The court directed attention to the obvious distinction between the transfer of a policy taken out by a person upon the insurable interest in his own life and payable to himself or his legal representatives, and the obtaining of a policy upon the insurable interest of his wife and children and payable to them.

While it is unnecessary to determine what the rights of appellee would have been had we adopted appellant's contention that it was merely a fraternal beneficial association, attention may be directed to the ruling in Supreme Lodge, K. & L. H. v. Ulanowski, 246 Pa., 591. There a member of a fraternal and beneficial society held a benefit certificate payable to his daughter. The rules of the organization permitted a change of the beneficiary at any time on the application of the member. Prior to his second marriage, this member entered into an agreement to give his intended wife the certificate upon their marriage, and this agreement was carried out. Thereafter the wife paid a large part of the dues of the society out

of her earnings. The husband, without the consent of his wife, again made his daughter the beneficiary, and upon his death both claimed the proceeds of the certificate. The court held that upon delivery to the wife "she acquired a legal as well as an equitable right to the benefit of the certificate, which could not be taken away from her without her consent." See, also, Lemon v. Phœnix Mutual Life Ins. Co., 38 Conn., 294.

In the present case the appellee had an insurable interest in the life of her husband, and when this certificate or policy was issued, naming her as the beneficiary, her interest therein became fixed and certain. It therefore is no defense to this action that a second certificate was issued in utter disregard of her rights. The judgment of the trial court therefore was correct, and is affirmed with costs.

Affirmed.

(Mr. Chief Justice Shepard dissenting.)

33 No. 2864.

SUPREME COUNCIL OF THE ROYAL ARCANUM, Appellant,
vs.
SUE B. BEHREND.

Mr. Chief Justice SHEPARD, dissenting:

I am compelled to dissent from the opinion and judgment in this case.

It was tried upon affidavits on a motion for judgment under rule 73. The affidavit of defense sets out the constitution and laws of the Royal Arcanum. This constitution and laws show articles of incorporation filed and certified under the laws of Massachusetts.

From this it appears that the objects of the order are: First, to unite fraternally all white men of sound bodily health and good moral character who are socially acceptable and between eighteen and fifty-five years of age. Second, to give all moral and material aid in its power to its members and those dependent upon them. Third, to educate the members socially, morally and intellectually; and to assist the widows and orphans of deceased members. Fourth, to establish a fund for the relief of distressed and sick members. Fifth, to establish a fund for the payment of disability and old-age benefits. Sixth, to establish a widows and orphans' benefit fund, from which, on satisfactory evidence of the death of a member who has complied with all its lawful requirements, a sum not exceeding three thousand dollars shall be paid to the wife, children, relative of, or persons dependent upon such member, as limited and described in the laws of said order.

The general laws provide that no persons shall be admitted to membership except between the ages of eighteen and fifty-five years, must be a man of sound health, of good moral character, believer in a supreme being and competent to earn a livelihood for himself and family.

Certain occupations are proscribed. These include selling or

serving intoxicating liquors at retail or wholesale, and certain railroad employees, enlisted men in the army, enlisted men in the navy, electric railway or light linemen, telegraph and telephone linemen and other dangerous occupations.

Each applicant is required to sign an application for admission to membership giving his birth, age, occupation, residence and so forth, and the name, residence and relationship or dependence of his proposed beneficiary. The application must be accompanied with a fee for a medical examination. The medical examiner is required to make a careful examination and report. If rejected by the supervising medical examiner he shall be declared ineligible. If he refuses or neglects to undergo an examination within six weeks from the date of the secretary's notice he shall be declared rejected. Each applicant on presenting himself shall sign the application to the order to pay to the widows and orphans' benefit fund the assessment for the current month prescribed and fixed for his age at the time of receiving the degree. Each applicant receives a benefit certificate and he shall enter upon his application the name or names, residence, relationship or dependence of the person or persons of the classes entitled to whom he desires his benefit paid and the same shall be entered in the benefit certificate according to said direction. A list of the persons designated included members' wives, children, parents, brothers, and sisters, and so forth.

Rule 333 of the order provides that a member may, at any time, when in good standing, pay a fee of fifty cents, make a written surrender of his benefit certificate, and direct that a new certificate be issued to him, payable to such beneficiary or beneficiaries as such member may designate, in accordance with the laws of the order.

Rule 336 provides that in case a benefit certificate is lost or beyond a member's control, the member may, in writing, surrender all claim thereto and direct that a new certificate be issued to him, payable to the same or a new beneficiary or beneficiaries in accordance with the laws of the order, and be entitled to such new certificate if, but not until, he shall furnish proofs of the
34 facts in the case by an affidavit or otherwise to, and to the complete satisfaction of the secretary, and shall pay the required fee of fifty cents.

Rule 337, the change of beneficiary, if the new beneficiary is a person who would be a legal beneficiary, shall take effect upon the delivery of the benefit certificate, the written surrender and direction for change as provided in the laws of the order, and in case the certificate is lost or beyond the control of the member the proof thereof, and the payment of the fee of fifty cents to the regent, secretary, and so forth.

Rule 338 provides the issuing of a new benefit certificate, in accordance with the laws of the order, shall cancel and render null and void any and all previous certificates issued to the member, but this provision shall not limit or affect any law of the order rendering null and void such previous certificates, nor shall such issuance be a necessary condition precedent to such cancellation.

Other rules provided tables for assessing the payments on certifi-

cates adjusted to the ages of members and these assessments shall be paid to the collector without notice in twelve regular assessments in each calendar year.

The Royal Arcanum was a beneficial association consisting of members, but was nevertheless engaged in insuring the lives of its members in the District of Columbia. It consisted of members who joined the order upon application, and to whom benefit certificates were issued upon payment of said assessment which might be increased from time to time at the will of the order.

The member Behrend joined the order and received his benefit certificate March 1, 1899. This certificate is conditioned upon the member being in good standing at the time of his death, and that the certificate shall not have been surrendered by the member, and another issued, at his request, in accordance with the laws of the order, which permit the change of beneficiary.

The affidavit of defense shows that the beneficiary in this certificate, had been changed by the member sometime before his death, in the manner prescribed by the constitution and laws. It is contended in support of the judgment that this action must be controlled by section 6 of an act of Congress regulating insurance in the District of Columbia, approved January 26, 1877.

This act of six sections relates to life and fire insurance in the District of Columbia, and section 6 was intended to remedy the effect of the decisions which had established a rule to the effect that when an application was referred to in a policy of life insurance or fire insurance that a defense could be made upon the falsity of any warranty therein. Consequently, the application was required to be attached to the policy so that the insured might have in his possession the whole contract. The provision of section 6 is as follows: Each life insurance company doing business in the District of Columbia shall attach to each policy issued by such company a copy of the application made by the insured so that the whole contract may appear in said application and policy.

This section was changed by section 657 of the Code of the District of Columbia, which required each life insurance company, benefit order or association, doing a life insurance business to deliver with each policy a copy of the application made therefor, so that the whole contract may appear in said application and policy, in default of which no defense shall be allowed to such policy on account of anything contained in or omitted from such application.

The certificate was in force at the time this section was enacted. This section was intended to obviate the defect in the former one. It covered just such cases as this, where the application does not form any part of the contract, but the rules of the order enter into it.

The plaintiff had no vested interest that renders the laws
35 of the order inoperative as to her. Berkeley v. Harper, 3 App. D. C., 308-313; Grand Lodge v. Kohler, 106 Mich., 121; Holden v. Modern Brotherhood, 151 Iowa, 673-680; Lahey v. Lahey, 174 N. Y., 146; Voigt v. Kersten, 164 Ill., 314.

This section affected the remedy on contracts of insurance, and did not apply to a change in a contract.

Moreover, Congress is under no inhibition against the enactment of laws impairing the obligation of a contract.

The defense in this case is not based on anything set out or omitted from the application.

Admitting that the insured is a member in good standing, had paid all assessments, and that his certificate was valid, the defense is that as a member of this mutual association he accepted the certificate with the knowledge that he might change the beneficiary by complying with the laws of the order provided therefor. This change was made in due compliance with the laws. The certificate was issued, received, and held by the beneficiary subject to the right to change the beneficiary.

I am of the opinion that the judgment should be reversed.

36 April Term, 1916.

No. 2864.

MONDAY May 22nd, A. D. 1916.

SUPREME COUNCIL OF THE ROYAL ARCANUM, a Corporation, Appellant,
vs.
SUE B. BEHREND.

Appeal from the Supreme Court of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. JUSTICE ROBB,
May 22, 1916.

Mr. Chief Justice Shepard dissenting.

37 In the Court of Appeals of the District of Columbia.

No. 2864.

SUPREME COUNCIL OF THE ROYAL ARCANUM
vs.
SUE B. BEHREND.

The clerk will please include the following in the record to accompany petition for writ of certiorari:

The printed record.
First argument, Jan. 6, 1916.
Judgment of March 6, 1916.
Opinion of March 6, 1916.
Motion for rehearing.

Order setting aside judgment and granting rehearing.
Argument on rehearing.
Judgment of May 22, 1916.
Opinion filed May 22, 1916.
Dissenting opinion filed May 22, 1916.

PHILIP WALKER,
Attorney for Appellant.

Washington, June 27, 1916.

(Endorsed:) No. 2864. Supreme Council of the Royal Arcanum v. Sue B. Behrend. Designation of Record. Court of Appeals, District of Columbia. Filed Jun- 28, 1916. Henry W. Hodges, Clerk.

38 Court of Appeals of the District of Columbia.

I, Henry W. Hodges, Clerk of the Court of Appeals of the District of Columbia, do hereby certify that the foregoing printed and typewritten pages, numbered from 1 to 37 inclusive, contain a true copy of the transcript of record and proceedings of said Court of Appeals, per designation of counsel, in the case of Supreme Council of the Royal Arcanum, a Corporation, Appellant, vs Sue B. Behrend. No. 2864, April Term, 1916, as the same remain upon the files and records of said Court of Appeals.

In testimony whereof I hereunto subscribe my name and affix the seal of said Court of Appeals, at the City of Washington, this 28th day of June, A. D. 1916.

[Seal Court of Appeals, District of Columbia.]

HENRY W. HODGES,
Clerk of the Court of Appeals of the District of Columbia.

[United States internal revenue documentary stamp, series of 1914, 10 cents, canceled 6-28-16. H. W. H., Clerk.]

39 UNITED STATES OF AMERICA, *ss:*

The President of the United States of America to the Honorable the Judges of the Court of Appeals of the District of Columbia, Greeting:

[Seal of the Supreme Court of the United States.]

Being informed that there is now pending before you a suit in which Supreme Council of the Royal Arcanum is appellant, and Sue B. Behrend is appellee, No. 2864, which suit was removed into the said Court of Appeals by virtue of an appeal from the Supreme Court of the District of Columbia, and we, being willing for certain reasons that the said cause and the record and proceedings therein should be certified by the said Court of Appeals and removed
40 into the Supreme Court of the United States, do hereby command you that you send without delay to the said Supreme

Court, as aforesaid, the record and proceedings in said cause, so that the said Supreme Court may act thereon as of right and according to law ought to be done.

Witness the Honorable Edward D. White, Chief Justice of the United States, the twentieth day of October, in the year of our Lord one thousand nine hundred and sixteen.

JAMES D. MAHER,
Clerk of the Supreme Court of the United States.

[Endorsed:] File No. 25,495. Supreme Court of the United States, October Term, 1916. No. 665. Supreme Council of the Royal Arcanum vs. Sue B. Behrend. Writ of Certiorari. Court of Appeals, District of Columbia. Filed Oct. 23, 1916. Henry W. Hodges, Clerk.

41 In the Court of Appeals of the District of Columbia.

No. 2864.

SUPREME COUNCIL OF THE ROYAL ARCANUM
vs.
SUE B. BEHREND.

Stipulation.

It is hereby mutually understood and agreed by the attorneys for the respective parties in the above entitled cause, that the certified transcript of record filed in the Supreme Court of the United States together with a petition for a writ of certiorari, may be taken as a return to the said writ, which was granted by the said Court on the 16th day of October, 1916.

PHILIP WALKER,
Attorney for Petitioner.
W. GWYNN GARDINER,
Attorney for Respondent.

Washington, D. C., October 23, 1916.

(Endorsed:) No. 2864. Supreme Council of the Royal Arcanum vs. Sue B. Behrend. Stipulation as to transcript to S. C. U. S. Court of Appeals, District of Columbia. Filed Oct. 23, 1916. Henry W. Hodges, Clerk.

I, Henry W. Hodges, Clerk of the Court of Appeals of the District of Columbia, do hereby certify, in obedience to the writ of certiorari hereto attached and returned herewith, the foregoing to be a true and correct copy of the stipulation of counsel filed in said cause on the 23rd day of October, A. D. 1916.

In testimony whereof, I hereunto subscribe my name and affix the seal of said Court at the City of Washington, District of Columbia, this 23rd day of October, A. D. 1916.

[Seal Court of Appeals, District of Columbia.]

HENRY W. HODGES,
Clerk of the Court of Appeals of the District of Columbia.

42 [Endorsed:] File No. 25,495. Supreme Court U. S., October Term, 1916. Term No. 665. Supreme Council of the Royal Arcanum, Petitioner, vs. Sue B. Behrend. Writ of certiorari and return. Filed October 23, 1916.

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1916.

No. ——

SUPREME COUNCIL OF THE ROYAL ARCANUM, PETITIONER,

vs.

SUE B. BEHREND, RESPONDENT.

Petition for Writ of Certiorari to the Court of Appeals of the District of Columbia.

To the Chief Justice and Associate Justices of the Supreme Court of the United States.

The petitioner, Supreme Council of the Royal Arcanum, prays for a writ of certiorari to review the judgment of the Court of Appeals of the District of Columbia in the above entitled cause.

Question Presented.

1. Petitioner is a corporation of the Commonwealth of Massachusetts, and the governing body of a fraternal benefit society known as the Royal Arcanum, and, as such, fully complies with the laws of said Commonwealth relating to said societies, and with the laws of the District of Columbia relating to fraternal beneficial associations.

2. Petitioner is governed by the statutes of said

Commonwealth, by its charter issued thereby, and by a certain constitution and certain by-laws adopted under authority of said charter.

3. The subordinate bodies of said society are known as "councils," and, on or about March 1, 1899, one Samuel K. Behrend applied for membership in and was admitted to Oriental Council, No. 312, located in the District of Columbia.

4. The said Behrend, in his aforesaid application for membership, agreed as follows:

> "I direct that, in case of my decease, all benefit to which I may be entitled from the Royal Arcanum, shall be paid to Sue B. Behrend (wife), subject to such future disposal of the benefit as I may hereafter direct, in compliance with the Laws of the Order." and further: "I agree for myself, my beneficiaries, heirs, and all such other persons (i. e., persons claiming under benefit certificate) . . . that I and they shall conform to and abide by the Constitutions, Laws, Rules and Usages of the said Council and Order now in force, or which may hereafter be adopted by the same."

5. Upon consideration of the aforesaid application, petitioner issued its benefit certificate to said Behrend, as a member of said council, whereby it recited that:

> "This certificate is issued to Samuel K. Behrend, a member of Oriental Council, No. 312, Royal Arcanum . . . upon condition that the statements made by him in his application for membership in said Council . . . be made a part of this contract, and upon condition that said member complies in the future with the laws, rules and regulations now governing the said Council and fund or that may hereafter be enacted by the Supreme Council to govern said Council and Fund,"

and whereby it promised to pay, upon his death, to Sue B. Behrend (wife)—the respondent here—a sum not exceeding three thousand dollars,

> "provided that said member is in good standing in this Order at the time of his death, and provided also that this Certificate shall not have been surrendered by said member and another Certificate issued at his request, in accordance with the laws of this Order."

6. That by certain of the aforementioned by-laws, provision is made for change of beneficiary, and in 1913 five sections thereof provided as follows:

> "Sec. 333. A member may, at any time, when in good standing, pay a fee of fifty cents, make a written surrender of his Benefit Certificate, and direct that a new certificate be issued to him, payable to such beneficiary or beneficiaries as such member may designate, in accordance with the Laws of the Order.
>
> "Sec. 334. The written surrender and direction for change of beneficiary must be forwarded, under seal of the Council, with the Benefit Certificate and fee of fifty cents, to the Supreme Secretary, who shall issue a new Certificate in accordance with the direction of the member, if the direction is in accordance with the Laws of the Order, and if all other conditions have been complied with.
>
> "Sec. 336. In case a Benefit Certificate is lost or beyond a member's control, the member may, in writing, surrender all claim thereto, and direct that a new certificate be issued to him, payable to the same or a new beneficiary or beneficiaries, in accordance with the Laws of the Order, and be entitled to such new Certificate if, but not until, he shall furnish proof of the facts in the case by an affidavit or otherwise to, and to the complete satisfaction of the Supreme Secretary, and shall pay the required fee of fifty cents.
>
> "Sec. 337. The change of beneficiary, if the new beneficiary is a person who would be a legal

beneficiary, shall take effect upon the delivery of the Benefit Certificate, the written surrender and direction for change, as provided in the Laws of the Order, and in case the Certificate is lost or beyond the control of the member the proof thereof, and the payment of the fee of fifty cents, to the Regent, Secretary, Collector or Treasurer of the Council to which the member belongs. If the person designated as a beneficiary by the member in attempting a change of beneficiaries is not a legal beneficiary, and he subsequently corrects his mistake by designating a person who would be such, the change of beneficiaries shall take effect upon the delivery of the Benefit Certificate, the written surrender thereof and direction for the change to such new legal beneficiary and payment to either of said officers of the fee of fifty cents, and in case the certificate is lost or beyond the member's control, the proof thereof and the payment of the fee of fifty cents to the Supreme Secretary.

"Sec. 338. The issuing of a new Benefit Certificate, in accordance with the Laws of the Order, shall cancel and render null and void any and all previous certificates issued to a member, but this provision shall not limit or affect any other Law of the Order rendering null and void such previous Certificate, nor shall such issuance be a necessary condition precedent to such cancellation."

7. On or about the 8th day of August, 1913, the said Samuel K. Behrend, in accordance with said section 336, did satisfy petitioner's Supreme Secretary that the aforesaid Benefit Certificate was beyond his control, being in the possession of respondent who refused to deliver it up for cancellation, and demanded that a new certificate be issued payable to his two children; which was accordingly done.

8. Thereafter and on October 20, 1914, the said Samuel K. Behrend died, and the amount of $3,000 due on said

substitute certificate was paid to the beneficiaries thereof.

9. Respondent on April 5, 1915, filed her suit for three thousand dollars, against petitioner, in the Supreme Court of the District of Columbia, claiming that the said original certificate had been given to her by her husband as a wedding present, and that she had paid practically all the assessments thereupon, and that she had a vested interest therein, which could not be divested without her consent, which had not been given; and further that petitioner was a life insurance company and was governed by section 657 of the Code of Law for the District of Columbia, as originally enacted, which provided that the insured's application must be attached to the policy, and that the application and policy should form the whole contract; and she further claimed that the application was not attached to the policy in this case, and that the policy, therefore, constituted the entire contract.

10. Petitioner admitted that the application was not attached to the certificate, but pleaded that petitioner was a fraternal benefit society, and exempt, under sections 655 and 749 of the District Code, from the provisions of the insurance laws of the District, of which section 657 is one; and it further claimed that its contract with said Samuel K. Behrend consisted of the application for membership, the Benefit Certificate, and petitioner's constitution and by-laws. Petitioner's pleas were accompanied by an affidavit of defense, under the rules, setting up the facts of which the foregoing is the substance, and also that, before the aforesaid change of beneficiary, respondent had notified an officer of said Oriental Council that she would pay no more assessments, and that she did not, and that subsequent assessments were paid by others.

11. Subsequently, respondent's motion for judgment for want of a sufficient affidavit of defense was granted,

and judgment was entered against petitioner, from which petitioner duly prosecuted its appeal to the Court of Appeals of the District of Columbia.

12. Upon hearing, the said Court of Appeals unanimously reversed the judgment below, holding that, while petitioner was engaged in the business of life insurance on the assessment plan, and subject to the laws regulating said business, the change of beneficiary was properly made, because of the right reserved in the contract, and because of the by-laws.

13. Thereafter a rehearing was had upon the following question:

> "Had the beneficiary of the certificate a vested interest in the same that could not be divested by the issue of a substitute certificate without the surrender of the original, and without the consent of the beneficiary named in the original certificate?"

Upon consideration of the above question the court affirmed the judgment below, in an opinion to which the Chief Justice dissented. In this second opinion the court adhered to its former decision that the petitioner was engaged in the business of life insurance on the assessment plan, and subject to the laws relating thereto; and it further held, in substance, that petitioner was bound by Section 657 of the Code; that, as neither the application, constitution nor by-laws were attached to the certificate, they formed no part of the contract; and that, when the original certificate was issued, naming the respondent beneficiary, her interest therein became fixed and certain.

14. The questions here presented are therefore threefold:

(a) Is the Royal Arcanum to be considered an assessment insurance company, governed by the laws relating to such companies, or is it to be considered a fraternal

beneficial association, controlled by the statutes enacted with relation to such associations and laws applicable thereto?

(b) The application, constitution and by-laws not being attached to the benefit certificate, does that benefit certificate form the whole contract, or do the application for membership, the constitution and by-laws also enter into it, and control both member and beneficiary?

(c) Does the beneficiary of a benefit certificate in the Royal Arcanum acquire, upon its issuance, a vested interest in the same, which can not be divested by the issuance of another certificate, on the demand of the member, and naming a new beneficiary, or does the right to change beneficiary survive to the member so long as he lives and remains in good standing in the Order?

15. And your petitioner further avers that the present case is one in which it is proper for this court to issue a writ of certiorari for the following reasons, among others:

(a) Because if the judgment of the Court of Appeals of the District of Columbia is allowed to stand unreversed, your petitioner will be burdened with making a double payment on account of a single liability.

(b) Because under the contract between your petitioner and the said Samuel K. Behrend, he has the strict legal right to demand the issuance of a new benefit certificate substituting his son and daughter as beneficiaries therein in place of the respondent, and it was your petitioner's duty to comply with such demand.

(c) Because your petitioner, within the meaning of the Acts of Congress relating to fraternal beneficial associations, section 749 of the District Code, is to be regarded as a fraternal beneficial association, and exempt from the provisions of the Insurance Laws of the United States relating to the District of Columbia.

(d) Because the courts of last resort in all of the states

have uniformly held that a beneficiary named in a fraternal benefit certificate has no vested interest in such certificate during the lifetime of the member, but a mere naked expectancy of an incompleted gift, revocable at any time at the will of the insured.

(e) Because the rule announced by the Court of Appeals of the District of Columbia would be destructive of the fraternal beneficiary system.

(f) Because the decision of the Court of Appeals of the District of Columbia utterly ignores the exemption of fraternal beneficial associations from the Insurance Laws of the District, as commanded by sections 655 and 749 of the District Code.

(g) Because the questions of law involved herein have not been passed upon by this court.

(h) Because in view of the large number of persons who are members of fraternal benefit societies in this country and whose contracts are similar to the one in this case, the question of the right of a member to change his beneficiary without the consent of the one previously designated is of sufficient general, national and material importance and interest as to make it necessary that the same should be determined by the court of last resort.

(i) Because there is a conflict between the law as expounded by said Court of Appeals of the District of Columbia and the rule observed in all other state courts.

(j) Because the courts of all the states recognize the rule that the statute under which a fraternal benefit society is organized, its by-laws, together with the application for and the certificate of membership, constitute the contract which exists between the member and the society, which instruments, construed together, measure the rights of the parties.

Wherefore, your petitioner prays that this honorable court will be pleased to grant a writ of certiorari in this

case to the Court of Appeals of the District of Columbia to bring up this case to this honorable court for such proceedings therein as to this honorable court may seem just.

SUPREME COUNCIL OF THE ROYAL ARCANUM.

HOWARD C. WIGGINS,
PHILIP WALKER,
Attorneys for Petitioners.

BRIEF IN SUPPORT OF THE PETITION.

I.

The Court of Appeals Erroneously Interpreted the Acts of Congress Relating to Insurance in the District of Columbia.

The Court of Appeals held that petitioner was engaged, in the District of Columbia in a system of assessment life insurance, and that the laws of the District applicable to business of that kind apply, and among them section 657 of the Code. This section was amended in 1902, but in its original form was section 6 of the Act of January 26, 1887 (24 Stat. L., 367), and read as follows:

> "Each life insurance company doing business in the District of Columbia shall attach to each policy issued by such company a copy of the application made by the insured, so that the whole contract may appear in said application and policy."

The act of which this formed a part was entitled "An Act to regulate insurance in the District of Columbia," and, as appears by its first section, related to companies having a capital stock and conducting business for profit.

The business of fraternal beneficiary societies has grown to such magnitude and to such gigantic proportions in recent years that the legislatures of the various states have enacted complete and comprehensive codes defining the business of such companies, and fixing their legal status. Such codes exist in the District of Columbia and twenty-five different states as follows:

District of Columbia, Code, Subchapter 12, Secs. 749-765.

Arizona, Rev. Stats., Tit. 24, Secs. 3493, 3494. (Law, 1913, c. 94, Secs. 100, 101.)

Alabama, General Acts of 1911, pp. 713, ff. Act of April 24, 1911, Secs. 23, 23a.

California, General Laws, c. 49, Act., 440, Secs. 23, 23a. (Act of May 1, 1911.)

Colorado, Mills Stats., c. 65, Secs. 3042, 3043. (Act of June 2, 1911.)

Connecticut, Public Acts of 1913, c. 185, Secs. 33-42. (Act of June 7, 1913.)

Idaho, Session Laws, 1911, c. 225, Secs. 23, 23a. Also Session Laws, 1913, c. 184.

Louisiana, Act No. 256 of 1912, Sec. 23; Act No. 287 of 1914, Secs. 1, 3.

Maryland, Laws 1912, c. 824, Sec. 12a (applying only to new societies).

Massachusetts, St. 1911, c. 628, Secs. 22, 23; St. 1913, c. 617, Sec. 3.

Michigan, Public Acts 1913, No. 169, Secs. 23, 23a, 23b.

Missouri, Laws 1911, p. 293, Act of March 30, 1911, Secs. 25, 26.

Montana, Session Laws, 1911, c. 140, Secs. 23, 23a.

New Hampshire, St. 1913, c. 122, Secs. 23, 23a, 23b.

New York, L. 1911, c. 198, Sec. 242.

North Carolina, Public Laws, 1913, c. 89, Secs. 20, 20a, 20b.

North Dakota, Laws, 1913, c. 191, Secs. 23, 23a, 23b.

Ohio, Laws, 1911, pp. 542-544, Act of May 31st, Secs. 23, 23a, 24, Code, Secs. 9484, 9485.

Oregon, General Laws, 1911, c. 217, Secs. 23, 23a.

Rhode Island, Public Laws, 1912, c. 803, Sec. 23, Public Laws of 1913, c. 958, Sec. 2.

Tennessee, Acts of 1909, c. 99 (Permissive).

Texas, Laws of 1913, c. 113, Secs. 23, 23a, 23b, 23c.

Utah, Laws of 1911, c. 148, Secs. 23, 23a.

Washington, Laws of 1911, pp. 290-2, c. 49, Secs. 228, 229; Code 6059, 228, 229.

Wisconsin, 1913, c. 251.

Wyoming, Session Laws, 1913, c. 127, Secs. 23, 23a, 23b.

On March 4, 1897 (29 Stat. L., 630), Congress enacted a law for the District of Columbia defining and regulating fraternal beneficial associations, and subsequently reenacted it into the Code. The first section of the act became section 749 of the Code, and reads as follows:

> "Sec. 749. A fraternal beneficial association is hereby declared to be a corporation, society, order, or voluntary association, formed or organized and carried on for the sole benefit of its members and their beneficiaries, and not for profit, having a lodge system with ritualistic form of work and representative form of government, making provision for the payment of benefits in case of death. Each such association may make provision for the payment of benefits in case of sickness, temporary or permanent physical disability, either as a result of disease, accident, or old age: *Provided*, That the period in life at which physical disability benefits on account of old age com-

mences shall not be under seventy years, or the age of expectancy from the time of entering, subject to their compliance with its laws. Any such association may create and maintain a reserve, emergency or benefit fund in accordance with its laws. Any such association having a reserve, emergency or benefit fund may, in addition to the benefits hereinbefore named, pay withdrawal benefits, not exceeding the contributions of such member, to a member unable or unwilling to continue membership, provided such membership shall continue not less than three successive years. Such association may also, after ten years of membership, apply its funds and accumulations as its laws provide or the association and members agree. The fund from which the payments of such benefits shall be made and the fund from which the expenses of such association shall be defrayed shall be derived from assessments, dues, and other payments collected from its members or otherwise. Payment of death benefits shall be to the families, heirs, blood relatives, affianced husband or affianced wife of or to persons dependent upon such member. *Such association shall be governed by this subchapter, and shall be exempt from the provisions of the insurance laws of the United States relating to the District of Columbia, and no law hereafter passed shall apply to them unless they be specifically designated therein:* Provided, however, that the fact that any such association has outstanding agreements with its members for the payment of benefits other than those hereinbefore specified, if it is making no new contracts of that character and is retiring those already existing shall not exclude such association from the operation of this subchapter."

The provision above which we have italicized clearly exempts associations conforming with the provisions of the section from the requirements of section 657 of the Code, as one of the insurance laws of the United States relating to the District of Columbia.

II.

Legal Status of the Petitioner.

Whether the statutes of the State of Massachusetts, or the insurance code of the District of Columbia be used as the yard-stick by which to measure the character of the business transacted by the Supreme Council of the Royal Arcanum, it conforms to all of the requirements of a fraternal benefit society upon the one hand, and a fraternal beneficial association upon the other. It now is, and has been, doing, as shown by its constitution and laws, a part of the transcript of the record in this case, the kind of business required of a corporation to entitle it to be recognized as having the legal status of a fraternal benefit society, or fraternal beneficial association, the two terms being used in the statutes of the various states interchangeably.

Under the District Code, section 749, a fraternal beneficial association is declared to be a corporation "formed or organized and carried on for the sole benefit of its members and their beneficiaries, and not for profit, having a lodge system, with ritualistic form of work and representative form of government, making provisions for the payment of benefits in case of death."

That the Supreme Council of the Royal Arcanum is such corporation, is clearly set forth in its plea to the amended declaration, as shown on page 9, and affidavit of defense, as shown on pages 12, 14, and 15, and the Constitution and Laws of the Order, annexed to the transcript of record, and stipulated to be considered as a part of the record, as appears upon page 21.

Attention is especially called to the fact that said section 749 of the District Code expressly provides that any—

> "*such association shall be governed by this subchapter and shall be exempt from the provisions of*

> *the Insurance Laws of the United States relating to the District of Columbia, and no law hereafter passed shall apply to them unless they be expressly designated therein.*"

As further emphasizing the intention of Congress that subchapter 12, of Chapter 18, should furnish the exclusive rule and standard of defining and regulating the character and method and management of the business conducted by fraternal benefit societies, and that such societies or associations should not be controlled by the laws relating to life insurance companies, section 655 of subchapter 5 of the District Code, relating to insurance companies, provides:

> "Nothing herein contained shall be held to interfere with or abridge the rights of or apply to any fraternal beneficial societies, orders or associations under the act of Congress, entitled: 'An Act regulating fraternal beneficial associations in the District of Columbia.' Approved March 3, 1897, the provisions of which are embodied in subchapter twelve of this chapter."

And the act amending section 653 of the Code (37 Stat. L., 16) has this proviso:

> *Provided, however,* that nothing contained herein shall interfere with or abridge the rights of any fraternal beneficial association licensed to transact business under subchapter twelve of chapter eighteen of the Code of Law for the District of Columbia, or incorporated by special act of Congress.

As further evidence of the intention of Congress to differentiate in regard to these societies, the War Revenue Act of June 13, 1898, in placing a tax on life insurance policies, provided:

> *Provided further* that the provisions of this section shall not apply to any fraternal, bene-

> ficiary society, or order, or farmers' purely local cooperative company or association, or employees' relief associations operated on the lodge system, or local cooperative plan, organized and conducted solely by the members thereof for the exclusive benefit of its members and not for profit.

As we have seen, judgment was entered below for want of a sufficient affidavit of defense. That affidavit went in great detail into the organization of the Royal Arcanum, and, without shadow of doubt, showed that it complied with all of the obligatory requirements of section 749, supra. For the purposes of this case, the allegations of that affidavit are taken to be true, and yet the Court of Appeals ignored them, and makes not the slightest reference in its opinion to the statute to which they apply.

Your petitioner was before this court in a recent case (*Supreme Council of the Royal Arcanum* vs. *Green*, 237 U. S., 531), involving the right of petitioner to increase the rates of assessments payable by its members. This court, by the chief justice, there said (p. 541):

> "It is not disputable that the corporation was exclusively of a fraternal and beneficiary character and that all rights of the complainant concerning the assessment to be paid to provide for the Widows' and Orphans' Benefit Fund had their source in the constitution and by-laws and therefore their validity could be alone ascertained by a consideration of the constitution and by-laws. This being true, it necessarily follows that resort to the constitution and by-laws was essential unless it can be said that the rights in controversy were to be fixed by disregarding the source from which they arose and by putting out of view the only consideration by which their scope could be ascertained."

We can search the opinion of the Court of Appeals in vain for any reference to the *Green case*, the portion

which we have quoted being clearly at odds with the conclusions reached in the case at bar.

Your honors have said that resort must be had to the constitution and by-laws to ascertain the rights of the member; while the Court of Appeals denies the right of petitioner to invoke that constitution and those by-laws in determining its obligation to a beneficiary. It is submitted that, if, as this court has held, the constitution and by-laws are a part of the contract as to the member, they are such for all purposes, and bind the beneficiary as well. As we have already pointed out in our petition, the member in his application agreed *for his beneficiaries*, that he would "conform to and abide by the constitution, laws, rules, and usages of the said council and order now in force, or which may hereafter be adopted by the same." Under this agreement the petitioner issued its Benefit Certificate to the member, and he accepted it.

We have heretofore considered the petitioner's standing as affected by the laws of the District of Columbia, but we are not unmindful that, in the *Green case*, this court used the following language:

> "Moreover, as the charter was a Massachusetts charter and the constitution and by-laws were a part thereof, adopted in Massachusetts, having no other sanction than the laws of that state, it follows by the same token that those laws were integrally and necessarily the criterion to be resorted to for the purpose of ascertaining the significance of the constitution and by-laws."

The statute of Massachusetts governing fraternal benefit societies (Chapter 628, Acts of 1911) is similiar, in its salient features, to the provisions of the District Code. A comparison of the allegations of petitioner's affidavit of defense and the provisions of the Massachusetts statute, will conclusively show that the pro-

visions of the latter are complied with; which was to be expected as the affidavit asserts that the petitioner is licensed as a fraternal benefit society by the insurance department of that commonwealth, than which none holds a higher reputation.

Respondent claims a vested interest in the original certificate, because, as she alleges, it was given to her as a wedding present, and she paid practically all of the assessments; and the Court of Appeals approved this view. She does not claim to have agreed with the member that she would pay those assessments, for that would have put her out of court, under section 758 of the Code, which was section 10 of the Act of March 4, 1897, supra, and which reads as follows:

> "Sec. 758. No contract with any such association shall be valid where there is a contract, agreement, or understanding between the member and the beneficiary prior to or at the time of becoming a member of the association that the beneficiary, or any person for him, shall pay such member's assessments and dues, or either of them."

Without such an express agreement she could have no vested interest which could not be divested, independently of her consent.

> "However, the fact that the person originally designated incurs expenses with reference to the transaction on the faith of the designation, as by paying dues and assessments to keep the certificate alive, does not prevent the substitution of a new beneficiary in his place, in the absence of a contract that he is to receive the benefit; nor does the fact that the member delivers the certificate to the beneficiary as a gift preclude him from subsequently designating a new beneficiary."
>
> 29 Cyc, 129.

The distinction that has arisen between these associations and the old form of life insurance companies, in this regard, was well stated by the late Mr. Justice Brown, while he was district judge of the Eastern District of Michigan. In *Supreme Conclave, Royal Adelphia* vs. *Cappella*, 41 Fed., 1, 3, he said:

> "This is one of a class of cases which have become quite common within the past 25 years, arising out of an inexpensive method of insurance, by which persons in moderate circumstances may, by the payment of a small monthly assessment, secure a provision for themselves or their families in case of sickness, accident, or death. Much of the law applicable to ordinary cases of life insurance is equally applicable here. In a few particulars, however, it seems to be somewhat less favorable to the person for whose benefit the policy is taken out. For instance, in the case of an ordinary policy, the right of the person for whose benefit the policy is issued can not be defeated by the separate or joint acts of the assured and the company, without the consent of the beneficiary, while it is entirely well settled in cases of this description the beneficiary has no vested interest in the benefit certificate until the death of the insured member. Up to this time he may change his designation of beneficiary at will, against the consent of such beneficiary, even though the latter may have advanced the money to pay the assessments upon the certificate."

In its opinion, the Court of Appeals relied upon the decision in *Supreme Lodge, Knights and Ladies of Honor* vs. *Ulanowski*, 246 Pa., 591, to sustain the position that the gift of the certificate as a wedding present and the payment of most of the assessments, gave the respondent here a legal as well as an equitable right to the benefit of the certificate, which could not be taken from her without her consent. But the Pennsylvania court

made no such decision. In that case, in order to induce a widow to marry him, Ulanowski promised to make a will in her favor and transfer his insurance policies to her benefit, which he did. Subsequently he transferred the one in suit to his daughter. The court held that the consideration which vested the wife with a legal and equitable right to the benefit of the certificate, was the ante-nuptial agreement, and it made no reference, in its conclusions of law, to the fact that the wife had paid the assessments.

A case which upon the facts is strikingly similar to the one at bar is that of *Schiller-Bund* vs. *Knack*, 184 Mich., 95, decided January, 1915. In that case, August Knack, a member of a fraternal benefit society, when the benefit certificate was first issued, designating his wife as beneficiary, took the certificate home and handed it to his wife, and "told her to keep it, for it was hers, and that she would have to keep it up; that he did not want to be bothered with it." From that time, January, 1903, until January 14, 1911, the wife paid all dues and assessments accruing upon the certificate. The parties were divorced in November, 1909, and in December, 1910, the insured married again. The first wife retained the possession of the benefit certificate, and in May, 1911, the insured requested her to surrender the possession of the certificate, which she refused to do. Whereupon he made an affidavit that the original certificate was not in his possession and that he could not procure the same, and in July, 1911, a new benefit certificate was issued naming the second wife as beneficiary. Both the first and second wives claimed the benefit. The court held that the controlling question in the case was "whether Bertha Knack (the first wife) acquired a vested interest in the original certificate in question." The court said:

> "The right of the defendant Bertha must depend upon whether she had a vested interest

in this first certificate; for if she did not, and the society saw fit to and did issue a new certificate making Martha the beneficiary, and it was upon this new certificate that payments were made by August Knack, from its date down to the time of his death (May 1, 1912), he having the right to change the beneficiary in his certificate, the defendant Bertha would have no standing in court. We therefore agree with counsel for the appellee that the chief and final question to be decided upon this record is whether Bertha Knack acquired such vested interest in the original certificate. Upon that question we have read with care the record and authorities cited by counsel upon both sides, and are of the opinion that, giving the evidence in behalf of Bertha its strongest probative force, it does not show such a contract based upon sufficient consideration as would be binding upon the parties and would render it beyond the power of August to change the beneficiary. We must recognize the rule which has been frequently announced by this court that the by-law of a society permitting the changing of a beneficiary is a reasonable regulation of the member to exercise the power of appointment whenever and so often as he pleases. . . . And the fact that the certificate was in the possession of Bertha, and that she made the payments, is not sufficient to give her the right to protest against a change of beneficiary. . . . We have examined the cases cited in the briefs of counsel, and are unable to find a case in which it was held there was a vested right passing to the beneficiary where there was not an express contract founded upon valuable consideration (moving to the assured) between the assured and the beneficiary. . . . In this case there was no such binding, valid contract existing between August Knack and Bertha, his wife, as would give her a vested interest in the policy."

The Supreme Court of Michigan, in *Grand Lodge A. O. U. W.* vs. *McGrath*, 133 Mich., 626, announced

the same doctrine. There James McGrath joined a fraternal benefit society in May, 1894, and received a benefit certificate payable to Anna McGrath, his wife. She paid all the assessments upon the certificate from 1894 until December, 1900, when a new certificate was issued payable to Ellen Frank, mother of the insured. The court said:

> "The defendant Anna McGrath appeals to this court, and contends that she acquired a vested interest in the benefit fund by reason of her payment of the assessments, and in accordance with the agreement made between herself and husband when the certificate was issued. . . . We think no such contract is shown by the record as precluded the insured from changing his beneficiary in pursuance of the by-laws of the Order. The bare fact that the certificate was in the possession of Mrs. McGrath, and that she made payments for a time, is not sufficient to give her the right to protest against a change of beneficiary."

The Supreme Judicial Court of Massachusetts, in considering a Royal Arcanum contract, in *Clark* vs. *Royal Arcanum*, 176 Mass., 468, said:

> "So far as paying assessments is concerned, it has been held that one who pays assessments at the request of the holder of a benefit certificate has no right in equity to have them repaid out of the fund."

Citing—

United Order of the Golden Cross vs. *Merrick*, 163 Mass., 374.

Clarke vs. *Schwarzenberg*, 164 Mass., 347.

The Supreme Court of Indiana, in *Holland* vs. *Taylor*, 111 Ind., 121, in passing upon the right of a member of the Royal Arcanum to change his beneficiary, points out the fundamental difference between a certificate of

membership in a benefit association and an ordinary policy of life insurance so far as change of beneficiary in the same are concerned. The court in that case said:

> "Upon a fair construction of the certificate, the by-laws of the Order are a part of the contract. Therefore, by accepting the certificate, the member (Taylor) obligated himself to comply with the by-laws and agreed that payment should be made to the executors for the benefit of his daughter, unless the certificate should be surrendered by him, and another issued at his request, in accordance with the laws of the order.
>
> "He, and all concerned, would have been bound by the by-laws, even though there had not been such a reference to them in the certificate. Benevolent associations, such as the Royal Arcanum appears to be, are in the nature of mutual insurance companies. Persons who become members of such associations, and accept certificates, are bound to take notice of the by-laws; they enter into and become a part of the contract the same as if they were written out in the certificate.
>
> "Whatever rights beneficiaries have in life policies, they have by virtue of the contract between the insurance company and the assured. In the case of an ordinary insurance policy, the right of the beneficiaries in the policy, and to the amount to be paid upon the death of the assured, is a vested right, vesting upon the taking effect of the policy. That right can not be defeated by the separate, or the combined, acts of the assured and insurance company without the consent of the beneficiary. As in other cases, so here, whatever right or power Taylor, the assured, had to and over the certificate was by virtue of the terms of the certificate and the by-laws of the Order, which together constituted the contract between him and the Order. And whatever rights the beneficiary, Anna Laura, had, or now has, to the fund to be, and in this case paid, upon the death of the assured, her father, she had, and has, by virtue of the same contract. It should be observed

that the Royal Arcanum is not a domestic corporation, and hence not affected by section 3848, R. S., 1881. If then the Royal Arcanum were to be treated as an ordinary life insurance company, and the certificate as an ordinary life policy, it would be clear that Taylor, the assured, had no authority, by will or otherwise, to change the beneficiary, or in any way affect her rights, without her consent. For many, and indeed for most purposes, mutual benefit associations are insurance companies, and the certificates issued by them are policies of life insurance governed by the rules of law applicable to such policies. There are, however, some essential differences usually existing between the contracts evidenced by such certificates and the ordinary contract of life insurance. The most usual difference is the power, on the part of the assured in mutual benefit associations, to change the beneficiary. But as in either case the rights of the beneficiary are dependent upon and fixed by the contract between the assured and the company or association, there seems to be no reason why the assured should have any greater power to change the beneficiary in or case than in the other, except as that power may be inherent in the nature of the association, or is reserved to him by the constitution, or by the laws of the association or by the terms of the certificate. In the case before us, the right and power of the assured, Taylor, to change the beneficiary was reserved to him by the by-laws of the Order, and recognized in the certificate. Because of that reservation, the beneficiary, Anna Laura, did not have a right in and to the certificate, and the amount to be paid upon the death of the assured vested in such a sense that it could not be defeated. . . . By virtue of the by-laws and the certificates, which as we have seen, constituted the contract between him and the Royal Arcanum, he had power to change the beneficiary."

The Court of Appeals also lays great stress on the opinion of this court in *Washington Central Bank* vs. *Hume*, 128 U. S., 195, in which the following language is used:

> "It is indeed the general rule that a policy, and the money to become due under it, belong, the moment it is issued, to the person or persons named in it as the beneficiary or beneficiaries, and that there is no power in the person procuring the insurance by any act of his, by deed or by will, to transfer to any other person the interest of the person named."

But, in adopting this language, the Court of Appeals overlooked the difference between associations of the class of this petitioner, and the old line companies involved in the *Hume case*; and also the difference in the forms of the contracts involved. The controversy was between the widow named in the policies, and the creditors of her deceased husband. Thrice, at least, have the Circuit Courts of Appeals commented on the above language in the *Hume case*, in suits involving policies with the reserved right to change the beneficiary. Each was a bankruptcy case.

Twice the case of *In re Orear* was considered (178 Fed., 632; 189 Fed., 888), and in the first opinion Mr. Justice Van Devanter took part, sitting as circuit judge. The first opinion was, in part:

> "Of the case of *Central National Bank* vs. *Hume*, 128 U. S., 195, it is enough to say that the policies there in question did not empower the insured to change the beneficiary, but contained provisions to the contrary, as is shown by the statement preceding the opinion."

The second *Orear* opinion held, in part:

> "Under the form of policy formerly used, it was well settled that the rights of a beneficiary in a

life insurance policy vested at the date of the issuance of the policy and not at the date of the death of the insured. *Bank* vs. *Hume*, 128 U. S., 195; *Blum* vs. *New York Life Insurance Company*, 197 Mo., 513. It has, however, for a number of years become the practice in such policies to provide that the insured may change the beneficiary, thus giving him more control over the policy during his lifetime."

In re Hogan, 194 Fed., 846, the court said, in part:

"The terms of the policy are unmistakable in their provision 'that the insured may, with the consent of the company, change the beneficiary at any time, provided it has not been assigned.' . . . With the contract rights so established in the insured, the general doctrine as to the rights of a beneficiary under other contract terms and circumstances we believe to be inapplicable to the present issue."

III.

A Beneficiary Has No Vested Interest in a Fraternal Benefit Certificate During the Lifetime of the Member.

A beneficiary in a certificate of fraternal benefit society possesses a mere naked expectancy, subject to revocation at the will of the member at any time, with no vested interest during the lifetime of the member. There is no principle better established or more universally recognized by the courts of all the states than the foregoing doctrine.

The rule is well stated by that standard author, Mr. Bacon, in his work on Benefit Societies and Life Insurance (3d ed.), section 289, as follows:

"The member of a beneficiary organization, on the other hand, as we have seen, has no property

> interest in the benefit, but only the naked power of designating some one to receive it. This designated recipient also has no property, nor vested rights, in the benefit, because his interest is contingent and uncertain, the power of the member to revoke the appointment and substitute a new beneficiary being specially reserved by the laws of the society, which laws enter into and form a part of the contract."

The New York Court of Appeals, in *Sabin* vs. *Phinney*, 134 N. Y., at page 428, uses apt language declaratory of the foregoing rule, as follows:

> "The relation which existed between Sabin and the society subjected him to certain burdens and entitled him to certain benefits during the continuance of his membership, and if he died while in good standing in the order his appointee became entitled to a certain sum. This relation could be terminated at any time at the will of the member, and the appointee was changeable from time to time as he might elect. If we chose to term this relation a contract and it was established by agreement, the contract gave the right of change of the beneficiary with or without reason. Any person who became an appointee in such a certificate took the position subject to the absolute right of the member to substitute a new one at any moment. The rights acquired by the member by virtue of this relation did not amount to a chose in action. He had no interest in the society that was assignable or transferable until some right of action had accrued. The appointee had no vested interest in the sum which might in a contingency become payable on the death of the member."

Like citations could be multiplied without number, but we call attention only to the following:

> *Masonic Mut. Ben. Assn.* vs. *Tolles*, 70 Conn., 537.

Middeke vs. *Balder*, 198 Ill., 590.
Carter vs. *Carter*, 35 Ind. App., 73.
Wandell vs. *Mystic Toilers*, 130 Ia., 639.
Proctor vs. *Order of Golden Star*, 89 N. E., 1042.
Grand Lodge, A. O. U. W., vs. *Frank*, 133 Mich., 232.
Grand Lodge, A. O. U. W., vs. *McFaden*, 111 S. W., 1172.
Brown vs. *A. O. U. W.*, 208 Pa. St., 101.
Supreme Court, etc., vs. *Gehrenbach*, 124 Cal., 43.
Golden Star Fraternity vs. *Martin*, 59 N. J. L., 207.
Schiller-Bund vs. *Knack*, 184 Mich., 95.
Holland vs. *Taylor*, 111 Ind., 121.

IV.

The Petitioner is Not an Assessment Life Insurance Company.

The assessment life insurance business is purely commercial in its character, carried on for profit, without the lodge system, devoid of fraternal features, without any attempt to furnish aid or assistance to its policyholders while in sickness or distress, and is only a form of commercial life insurance.

In Bacon on Benefit Societies (3d Ed.) section 13, it is said:

> "There are also in this country a number of regular corporations, formed for the conduct of the business of life insurance on the plan of the benefit societies—the collection of frequent periodical assessments as required to meet death losses. The business of these companies is regular life insurance conducted upon a new theory, for, except in this respect, they do not differ from the regular life insurance companies with which all are familiar. These organizations are known as assessment companies, or life insurance companies doing business on the assessment plan and in some states the business is regulated by statute."

The business of such companies is regulated by statute in both Massachusetts, the domicile of the petitioner, and in the District of Columbia, and by different statutes, in both Massachusetts and the District, the fraternal benefit societies are regulated.

Assessment companies: Mass. Revised Laws, c. 119; District of Columbia, Code, Sec. 653, as amended (37 Stat. L., 16).

Fraternal societies: Mass., Chap. 628, Acts of 1911; District of Columbia, Secs. 749 et seq. of Code.

The Court of Appeals reached the conclusion that the petitioner is engaged in a system of assessment life insurance by reason of the decisions in the following cases:

Marcus vs. *Heralds of Liberty*, 241 Pa. St., 429.

National Union vs. *Marlow*, 74 Fed., 775.

Corley vs. *Traveler's Protective Assn.*, 105 Fed., 854.

Rockhold vs. *Canton Masonic Mut. Benev. Soc.*, 129 Ill., 440.

Sup. C'l. Am. Legion of Honor vs. *Larmour*, 16 S. W., 633 (Texas, 1891).

Kansas vs. *Nat'l. Assn. of the Farmers & Mechanics' Mut. Aid Assn.*, 35 Kans., 51.

Modern Brotherhood vs. *Lock*, 22 Colo. App., 409.

Grimes vs. *Northwestern Legion of Honor*, 64 N. W., 806 (Iowa, 1895).

It is respectfully submitted that an examination of the cited cases does not justify the conclusion that the Royal Arcanum in the District of Columbia was engaged in the business of an assessment life insurance company.

In *Marcus* vs. *Heralds of Liberty*, it was held that—

"the character of the business transacted must be determined by the facts in each particular case, although the presumption is that the business is what the association declares it to be," (page 433)

> "or, more accurately speaking, of the kind and character of business done by a particular association whose contracts are the subject of judicial inquiry."

In that case, the applicant for membership could select an ordinary life certificate, an ordinary limited annuity, an ordinary whole life annuity, or a participating whole life annuity. The premium was fixed at a definite sum, and the certificate provided for payment of a fixed sum. In the advertising literature of the company, the business of it was referred to as an insurance business. But little attention was paid to the social, fraternal and benevolent features of the order, and it was held that the evidence in that case all pointed to the one end—"that under the guise of a beneficial association, the defendant is doing an insurance business."

In *Corley* vs. *Traveler's Protective Assn.*, there was nothing in its organization of a secret or fraternal character, no lodge system, with ritualistic form of work, and the association did not obtain its membership through the lodge system, and manifestly the decision in that case could have no application to the determination of the question involved in the case at bar.

In *Rockhold* vs. *Canton Masonic Mut. Benev. Society*, the court was construing a statute of Illinois, enacted in 1869, entitled, "An Act to Organize and Regulate the Business of Life Insurance," and the court merely held that the act was intended to include mutual as well as stock companies.

In *Supreme Council, American Legion of Honor* vs. *Larmour*, the constitution and by-laws of the society clearly indicated that the only object and purpose of the society was the collection of assessments and payment of death benefits, and it was held that the contract there considered had all the leading characteristics and essential features of a life insurance contract.

In *Kansas* vs. *Nat'l. Assn. of the Farmers & Mechanics'*

Mut. Aid Assn., decided in 1886, it was held that the contract there under consideration was solely one of insurance, by which the member agreed to pay certain assessments, and the society to pay a death benefit, and that the society did not come within the provisions of the then Kansas statute, which excepted from its operation associations "under the supervision of a grand or supreme lodge," as the same referred only to Free Masons, Odd Fellows and the like. When that case was decided there was no statute in force in Kansas defining and regulating fraternal benefit societies.

In *Grimes* vs. *Northwestern Legion of Honor*, 64 N. W., 806 (Sup. Ct. of Iowa, 1895), it was held that, "a benefit society is an insurance company." When that decision was rendered there was no statute in Iowa fixing the legal status of fraternal benefit societies, and the doctrine of that case, decided twenty years ago, is clearly inapplicable at the present time.

An examination of the constitution and by-laws of the petitioner, made a part of the transcript of the record herein, shows that the objects of the society are:

> "Sec. 3. The objects of the Order are:
>
> "1st. To unite fraternally all white men of sound bodily health and good moral character, who are socially acceptable and between eighteen and fifty-five years of age.
>
> "2d. To give all moral and material aid in its power to its members and those dependent upon them.
>
> "3d. To educate the members socially, morally and intellectually; and to assist the widows and orphans of deceased members.
>
> "4th. To establish a fund for the relief of distressed and sick members.
>
> "5th. To establish a fund for the payment of Disability and Old Age Benefits.
>
> "6th. To establish a Widows' and Orphans' Benefit Fund, from which, on the satisfactory evidence of the death of a member of the Order,

> who has complied with all its lawful requirements, a sum not exceeding three thousand dollars shall be paid to the wife, children, relatives of, or persons dependent upon such member, as limited and described in the Laws of said Order, relating to Benefit Certificates, as he may direct in accordance with said Laws, and from which benefits, as prescribed by said Laws, may be paid to members upon attaining 70 years of age."

Reference to the by-laws shows clearly that provision is made to carry out each of the foregoing objects. To illustrate:

As to object 1st, section 271 provides that each applicant for membership must be of good moral character, and a believer in a Supreme Being. Section 273 provides that each applicant must be recommended by two members in good standing in the council to which he makes application. Section 276 provides that a committee of three members shall be appointed to investigate the character, habits, and other qualifications of the applicant. A committee may report favorably or unfavorably (sections 276-281). The applicant must be elected by ballot, and if more than three black balls appear, the applicant is rejected (section 279).

As to the 2d object, section 438 provides that subordinate councils may pay members' assessments as a loan or gift from its General Fund, and the form of by-law found on page 163 of Exhibit A shows that it is the mandatory duty of the Collector to pay assessments from the Loan Fund, of a member who may become delinquent. Moral aid is intended to be furnished to the members by the provisions of section 607 (1), (2), (3) and section 627.

Features of this character are entirely foreign to assessment insurance companies.

The 3d object of the Order is intended to be complied with by section 218, which provides for delivering a

lecture, or something of a moral, social, interesting nature at each meeting of the council; by section 605, which provides for holding social and fraternal gatherings on Royal Arcanum Day, Royal Arcanum Charter Day, and appropriate meetings on Royal Arcanum Memorial Night, and also by the obligation taken by a member, found on page 156 of Exhibit A, as follows:

> "I will assist a distressed brother, or his family when in distress, as far as in my power without material injury to myself or family."

Provision is made to comply with the 4th object by section 244, which makes it the duty of the Relief Committee to visit sick or disabled members and to report to the council such pecuniary assistance as may be needed; by section 377, containing requirements for furnishing relief and payment of weekly sick benefits; by section 382, making each member subject to the order of the Regent of his council in attending to its sick or disabled members; by section 632, which imposes a fine for failure to attend sick or disabled members.

The 5th object is complied with by sections 459, 474, 475 and 476, which relate to the creation of a fund for the payment of Disability and Old Age Benefits.

So that, the by-laws of the Order provide in every essential requirement for carrying out its mission of charity, philanthropy and benevolence, as well as the payment of death benefits, the characteristic attributes of a fraternal benefit society.

Conclusion.

It is therefore respectfully submitted that a writ of certiorari should issue as prayed.

HOWARD C. WIGGINS,
PHILIP WALKER,
Attorneys for Petitioner.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1916.

No. ——.

SUPREME COUNCIL OF THE ROYAL ARCANUM, PETITIONER.

vs.

SUE B. BEHREND, RESPONDENT.

BRIEF OF RESPONDENT IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI.

In this cause the Court is asked by the petitioner to issue to the Court of Appeals of the District of Columbia, the extra-ordinary writ of certiorari.

The case is one in which the trial court and the appellate court decided the cause solely upon the construction of two local statutes. There is no Federal question involved. In fact our distinguished opponents in their brief filed herein in support of their petition frankly tell this Court (page 9) that the question involved is:

"The Court of Appeals erroneously interpreted the Acts of Congress relating to insurance in the District of Columbia."

THE STATUTES INTERPRETED, PURELY LOCAL.

The statutes erroneously interpreted by the Court of Appeals, according to the contention of our opponent are both purely local, and are as follows:

First: Section 6 of the Act of January 26, 1887, (24 Stat. L. 367), and subsequently re-enacted with amendment into the Code of laws of the District of Columbia, as Section 657.

Second: The Act of March 4, 1897, (29 Stat. L. 630) and subsequently re-enacted into the Code of Laws of the District of Columbia, as Sections 749 to 765 inclusive.

By an examination of the first statute it will readily be seen that it relates exclusively to the District of Columbia, likewise by an examination of the second statute it will also be seen without difficulty that it relates exclusively to the District of Columbia.

NO FEDERAL QUESTION INVOLVED IN EITHER STATUTE.

The rights of the party litigants were decided entirely upon a construction by the Court of Appeals of these two statutes. This being so this Court has repeatedly held that:

"This court is bound by the judgment of the Superior Court of a State in the mere matter of the construction of a State law."

This was held in

First National Bank of Aberdeen vs. County of Chehalia, and Mr. Justice Shires, in 166 U. S. 439 of this Court on page 444 in dealing with this question said:

"That the two sections of a state law should be read together is obviously proper, and, at any rate we are bound by the judgment of the supreme court of the state in the mere matter of the construction of that law."

This Court also considered this question in the case of

Striker, Executor vs. Crane, Administrator, reported in 123 U. S. 527-540, and in an opinion by the late Mr. Chief Justice Waite upon this question on page 536 of said report, said:

"With the correctness of this decision we have nothing to do. It relates only to the construction of a state statute which is in no way in conflict with the constitution or any law of the United States. The judgment of the state court on that question is final and not reviewable here."

This Court also considered this question on a motion to dismiss where they attempted to raise a Federal question for the first time on appeal to this Court, in

California National Bank vs. Richard P. Thomas, 171 U. S. 231, and this Court in dismissing the appeal on motion held:

> "A writ of error to a state court will be dismissed when no Federal right was especially set up or claimed until after the judgment of the highest court in the State."

The Reports of this Court show that this question has been before it many, many times, and we find that this Court as late as June 21, 1915, in the case of

> Price vs. People of the State of Illinois, 238 U. S. 446, held:
>
> "The correctness of a state court's construction of a state statute is simply a question of local law which the Federal Supreme Court cannot review when determining on writ of error to the State court the validity of such statute under the Federal constitution."

THE COURT WAS CALLED UPON TO CONSTRUE THESE STATUTES, FIRST, SECTION 749 to 765 INCLUSIVE, OF THE CODE OF LAWS OF THE DISTRICT OF COLUMBIA, AND THAT THE COURT OF APPEALS IN AFFIRMING THE DECISION OF THE LOWER COURT HELD THAT THIS CONTRACT WAS NOT SUCH A CONTRACT AS CAME WITHIN THESE SECTIONS OF THE CODE.

It will readily be seen by a glance at these Sections that they do not apply, and the Legislators never intended them to apply to a contract like the one upon which suit is instituted in this case, because it will be found that in Section 749 the law makers specifically limited fraternal beneficial associations to those bodies whose principal object *was not* that of issuing benefit

certificates of membership, but that where certificates of membership were issued, they should *not exceed* in amount *$100*, for said chapter reads as follows:

> " * * * And nothing in this sub-chapter contained shall be construed to affect any grand or subordinate lodge, * * *
>
> "Or Societies *that do not have as their principal object the issuance of benefit certificates of membership in case of death,* or the payment of sick, funeral or *death* benefits exceeding in amount *$100.*"

By reference to the record in this case, (page 4,) it will be seen that the certificate of insurance upon which this suit was founded is for the sum of $3,000, therefore, I will not go into the several other propositions advanced by me in the lower Court and the Court of Appeals as to why this contract is not within the provisions of Section 749, defining fraternal beneficial associations as distinguished from contracts of insurance. I submit, therefore, without any further argument that this Court can readily see that the Sections do not apply to the contract in suit in this case.

CONSTRUCTION OF SECTION 6 OF THE ACT OF JANUARY 26, 1887.

The Court of Appeals in construing Section 6 of the Act of January 26, 1887, and subsequently re-enacted into the Code of Laws in and for the District of Columbia as Section 657 and in sustaining the decision of the lower Court, held that the contract in suit in this case

was bound by this law and the Court in its opinion upon this point (R. 31) said:

> "Later this Act" (24 Stat. L. 367) "was superseded by Section 657 of the Code, but as the effect of these two provisions of law is the same, it is unnecessary for us to determine which applies here. The later enactment simply makes plainer the intent of the former, namely, that no defense to a policy should be permitted that was based upon something not contained therein or not attached thereto."

It will be seen, therefore, that the decision of the Court is based entirely upon the construction of this local statute.

THIS DECISION IS IN ACCORD WITH THE DECISIONS OF THE STATE AND FEDERAL COURTS IN CONSTRUING SIMILAR STATUTES.

The petitioner in its petition and brief in support thereof is contending that the decision of this Court is contrary to the decisions of the State and Federal courts on this subject, but we respectfully submit to the Court that so far as we are able to find the various State and Federal courts when having occasion to pass upon similar statutes have sustained them as valid and construed them in like manner, endeavoring to give the policyholder the protection of them wherever possible so to do.

The following authorities will support this decision:

> Manhattan Life Insurance Co. vs. Elbro, 127 Fed Rep. 281.

Baldi vs. Metropolitan Life Ins. Co., 18 Pa. Sup. Ct. 599.
Nugent vs. Greenfield Life Association, 172 Mass. 278.
Provident Savings Association vs. Hadley, 102 Fed. Rep. 861.
Insurance Company vs. Howle, 68 Ohio St. 614.

Repeated adjudications of this Court have established the doctrine that foreign corporations do business in a State as a matter of grace and not of law, and that the State may prescribe such rules as it may see fit to regulate the privilege granted and to protect its citizens from the abuse of corporate powers.

Insurance Co. vs. Daggs, 172 U. S. 557.
Waters Pierce Oil Co. vs. Texas, 177 U. S. 28.
Hooper vs. California, 155 U. S. 648.
Society vs. Clements, 140 U. S. 226.
Insurance Company vs. Cravins, 178 U. S. 389.

It seems to be the purpose of these statutes to protect the policyholder and the courts have upheld them as valid and proper.

I feel that in a brief in opposition to the petitioner's petition and brief asking for a writ of certiorari that it would not be necessary or proper for me to present any further argument in opposition to this motion other than to call this Court's attention to the claim made by my opponents that this case is controlled by the decision of this Court in the case of Royal Arcanum vs. Greene, 237 U. S. 531.

By an examination of the Greene case it will be found that the question involved in that case was the right to

increase the assessment or dues payable on a certificate by the insured. The suit before the Court is one involving the right of the beneficiary when the insured has died.

In the case before the Court the contract is

A DISTRICT OF COLUMBIA CONTRACT

for the record shows (page 6) that the policy was delivered in the District of Columbia where the first premium was paid after the local office had attached its seal and the insured had affixed his signature, all of said acts being done in the District of Columbia, and all being necessary to complete the contract.

This Court has repeatedly held that under such showing of facts the contract is a District of Columbia contract and is governed by its laws. In support we cite the case of

> Equitable Life Insurance Co. vs. Pettus, 140 U. S. 226,

the court in its opinion by Mr. Justice Gray, on p. 232, in disposing of the question of the place of contract says:

> "Upon the question whether the contract sued on was made in New York or in Missouri, there is nothing in the record, except the policy and application, the petition and answer, by which the facts appear to have been as follows: The assured was a resident of Missouri, and the application for the policy was signed in Missouri. The policy, executed at the defendant's office in New York, provides that 'the contract between the parties hereto is completely set forth in this policy and the ap-

plication therefore, taken together.' The application declares that the contract 'shall not take effect until the first premium shall have been actually paid during the life of the person herein proposed for assurance.' The petition alleges that the premium and two annual premiums were paid in Missouri. The answer expressly admits the payment of the three premiums, and, by not controverting that they were paid *in Missouri, admits that fact also,* if material. The petition further alleges that the policy was delivered in Missouri; and the answer admits that the policy was, 'at the request of the said Wall, transmitted to the State of Missouri and was delivered to said Wall in said State.' Upon this record, the conclusion is inevitable that the policy never became a completed contract, binding either party to it, until the delivery of the policy and the payment of the first premium in Missouri; and consequently that the policy is a Missouri contract and governed by the laws of Missouri."

The following authorities also decide the above question in support of our contention that the contract in this case is a District of Columbia contract and not a Massachusetts contract.

Orient Insurance Co. vs. Daggs, 172 U. S. 557.
Mutual Life Insurance Co. vs. Cohen, 179 U. S. 262.
Northwestern Mutual Life Ins. Co. vs. McCue, 223 U. S. 234.

Being a District of Columbia contract and governed by its laws the lower Court and the Court of Appeals decided the case by construing the statutes applicable to the case, and their decision under the authorities of this Court, is, we believe, not reviewable here.

We therefore respectfully submit that there is no Federal question involved, nor any conflict between the decisions of State courts and Federal courts, or of the Courts of Appeal, or any matter involving the Constitution of the United States. The question involved here is simply a matter wherein the petitioner is seeking to prevent the respondent from recovering the amount of a policy under which she has paid to petitioner as premiums, a sum equal to one-third of the amount the defendant now declines to pay.

In other words when the whole case is thoroughly analyzed it amounts to the following:

The respondent has a policy issued by the petitioner which was delivered to her as a wedding present at the time of her marriage to the insured; she is named as beneficiary in that policy. There is no provision in the policy about changing the beneficiary, nor any reference which would cause one to believe that there was any legal right to change the beneficiary, and respondent, relying upon the language of this policy (which was in her possession and has been in her possession ever since her marriage) she paid to this company, out of her own separate income and estate, the premiums to keep the policy alive for these many years. After the death of the insured, and without any regard whatever to the respondent's rights the petitioner paid the amount due under the policy, to wit, $3,000, to the children of the insured by a former marriage. When demand was made upon the petitioner for the payment of this sum of money under this policy, the said petitioner answered by saying:

> "We have changed the beneficiary. It is true it was without your knowledge or consent, but we have a by-law which gives us that right."

The by-law was no part of the policy; was not attached to it; there was no application attached to it; there was no paper writing of any character annexed to it, and therefore we state that the statute of this jurisdiction, to wit, Section 657 of the Code of Laws of the District of Columbia, which provides that each life insurance company and benefit order doing business in this District shall deliver with each policy issued by it a copy of the application made by the insured.

> "So that the *whole contract* may appear in said application and policy, in default of which no defense shall be allowed to such policy on account of anything contained in or omitted from such application."

The petitioner answered this contention by saying that it was a fraternal association under the Section of the Code of Laws of the District of Columbia above referred to and that the statute did not apply to this particular form of contract.

The trial Court decided that it did. The appellate Court construed the statute and held that it was not within the provisions of the statute relating to fraternal associations, and that it was bound by the Section requiring it to attach this by-law to the policy if it sought to make a defense on that ground.

This is the whole case and this distinguished tribunal is now asked to issue this extraordinary writ to the Court of Appeals of the District of Columbia

to decide the controversy between this corporation and the widow of this insured. It being a controversy between this corporation and the insured involving no Federal question, but simply the construction of one of our local statutes, this Court, I feel will not entertain the petition and will deny the writ.

Respectfully submitted,

BLAINE COPPINGER,
W. GWYNN GARDINER,
Counsel for Respondent.

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Supreme Court of the United States

OCTOBER TERM, 1917.

No. 267.

SUPREME COUNCIL OF THE ROYAL ARCANUM, PETITIONER,

vs.

SUE B. BEHREND.

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

BRIEF FOR PETITIONER.

This case comes before the court on a writ of certiorari to the Court of Appeals of the District of Columbia seeking to reverse a judgment of that court (Rec., p. 34; fol. 36), entered May 22, 1916, whereby the court affirmed the judgment of the Supreme Court of the District (Rec., p. 20), entered on July 9, 1915. This last-mentioned judgment was in favor of respondent herein, Sue B. Behrend, awarding her $3,000 with interest thereon from the 20th day of October, 1914 (Rec., p. 20).

Statement of Facts.

(1) The petitioner, the Supreme Council of the Royal Arcanum (hereinafter called the Order), is a fraternal beneficiary society organized in 1877, and conducting its affairs under the laws of Massachusetts on the lodge system without profit to any person, with educational

and social features, and provides for disability benefits and death benefits to the beneficiaries of deceased members (Rec., pp. 11, 12, 13 and 14).

(2) The objects of the Order are:

First. To unite fraternally all white men of sound bodily health and good moral character who are socially acceptable and between eighteen and fifty-five years of age.

Second. To give all moral and material aid in its power to its members and those dependent upon them.

Third. To educate the members socially, morally, and intellectually, and to assist the widows and orphans of deceased members.

Fourth. To establish a fund for the relief of distressed and sick members.

Fifth. To establish a fund for the payment of disability and old-age benefits.

Sixth. To establish a widows' and orphans' benefit fund, from which, on satisfactory evidence of the death of a member who has complied with all its lawful requirements, a sum not exceeding three thousand dollars shall be paid to the wife, children, relative of, or persons dependent upon, such member, as limited and described in the laws of said Order, relating to benefit certificates, as he may direct in accordance with said laws, and from which benefits, as prescribed by said laws, may be paid to members upon attaining seventy years of age (see pp. 1 and 2 of Code inserted in the Record).

The general laws provide that no person shall be admitted to membership except between the ages of eighteen and fifty-five years, must be a man of sound health, of good moral character, believer in a Supreme Being, and competent to earn a livelihood for himself and family (see p. 51 of Code inserted in the Record).

(3) The Order has been duly admitted to transact business in the District of Columbia (Rec., pp. 1 and 2).

(4) On March 1, 1899, one Samuel K. Behrend became a member of said Order by joining Oriental Council, No. 312, located in the District of Columbia, and there was issued to him a benefit certificate promising payment to Sue B. Behrend, wife, the beneficiary designated therein, upon the death of the said member, the sum of $3,000 (Rec., p. 2).

(5) The by-laws of the Order, at the time Samuel K. Behrend joined it, and ever since, provided by section 333 thereof, that "a member may, at any time, when in good standing, pay a fee of fifty cents, make a written surrender of his benefit certificate, and direct that a new certificate be issued to him, payable to such beneficiary or beneficiaries as such member may designate, in accordance with the laws of the Order" (see p. 64 of Code inserted in the Record).

(6) That it was provided by Section 336 thereof that:

> "In case a benefit certificate is lost or beyond a member's control, the member may, in writing, surrender all claim thereto, and direct that a new certificate be issued to him, payable to the same or a new beneficiary or beneficiaries, in accordance with the laws of the Order, and be entitled to such new certificate if, but not until, he shall furnish proof of the facts in the case by an affidavit or otherwise to, and to the complete satisfaction of, the Supreme Secretary, and shall pay the required fee of fifty cents" (see p. 64 of Code inserted in the Record.)

(7) It was further provided by Section 338 of said Code that:

> "The issuing of a new benefit certificate, in accordance with the laws of the Order, shall cancel and render null and void any and all previous certificates issued to a member, but this provision shall not limit or affect any other law of the Order rendering null and void such

previous certificate, nor shall such issuance be a necessary condition precedent to such cancellation" (see p. 65 of Code inserted in Record).

(8) On the 8th day of August, 1913, the said Samuel K. Behrend, being then in good standing in the Order, made an affidavit to the effect that the benefit certificate mentioned in paragraph (4) above was then in the possession of his said wife, respondent herein, with whom he was not then living, and that he had demanded the possession thereof from her and she had refused to surrender it. Thereafter and on August 14, 1913, the said Samuel K. Behrend delivered to the Secretary of Oriental Council, No. 312, who in turn forwarded the same to the Supreme Secretary of the Order, a written surrender of all claims under said certificate, and a fee of fifty cents, and a written direction to issue to him a new certificate payable one-half to Margaret B. Myer, daughter, and one-half to P. Albert Behrend, son. Thereafter and on the 19th day of August, 1913, a new certificate was issued in accordance with said direction (Rec., pp. 10, 11, 17, 18).

(9) The former beneficiary, Sue B. Behrend, was on or about September 4, 1913, duly notified of the issuance of said new certificate and informed that any other certificate issued to said member had thereby become cancelled and rendered null and void (Rec., pp. 7, 8).

(10) Said Samuel K. Behrend died on October 20, 1914 (Rec., p. 2).

(11) Thereafter the petitioner received duly executed and satisfactory proofs of the death of the said Samuel K. Behrend, and on or about the 21st day of December, 1914, paid the sum of $1,500 to the said Margaret B. Myer and the sum of $1,500 to the said P. Albert Behrend, in full discharge of said substituted certificate, which was surrendered and cancelled (Rec., p. 18).

(12) The certificate upon which this action was

brought contained the express reservation of the right to change the beneficiary. The promise to pay was upon the condition "that said member is in good standing in this Order at the time of his death, *and provided also that this certificate shall not have been surrendered by said member and another certificate issued at his request, in accordance with the laws of this Order.*"

(13) In 1915, Sue B. Behrend filed in the Supreme Court of the District of Columbia a declaration to recover the amount of the certificate above mentioned, and on April 5, 1915, filed an amended declaration and amended affidavit. The declaration was in three counts, but the right to recover was based upon the ground that she was the person designated therein as beneficiary (Rec., pp. 1-4).

(14) The Order filed pleas setting up that it is a fraternal beneficial association organized under the laws of the State of Massachusetts; that about March 1, 1899, the benefit certificate was issued to Samuel K. Behrend as a member of Oriental Council, No. 312, whereby, upon the conditions named therein, it agreed to pay to the said Sue B. Behrend the sum of three thousand dollars upon due proof of the death of said member; that one of said conditions was that the certificate had not been surrendered by the member and a new certificate issued at his request, in accordance with the laws of the Royal Arcanum; that the laws of the Order, in force at the time of the issuance of said certificate, authorized a change of beneficiary and provided the manner of effecting the same. A printed copy of said laws was attached to the pleas and made a part of the affidavit, and it was stipulated that the same might be considered as a part of the record in any court in which the matter might be presented (Rec., pp. 9, 11, 21). The pleas to the declaration also recited

that on or about the 8th day of August, 1913, the said member, Samuel K. Behrend, in accordance with the laws and rules of the Order, satisfied the Supreme Secretary that the certificate was beyond his control, and surrendered all claim thereunder and directed the Order to issue to him a new certificate payable to his daughter and son named therein, and upon payment of the required fee, had delivered to the member a new certificate in which the Order agreed to pay to the said daughter and son, as beneficiaries, one-half to each, the sum of three thousand dollars, and the pleas alleged that the certificate first issued in which the said Sue B. Behrend was named as beneficiary, thereby became null and void.

The affidavit of defense set up in great detail an array of facts supporting the defense pleaded (Rec., pp. 11-19).

(15) The case was disposed of in the Supreme Court of the District upon a motion for judgment under Rule 73, and the chief ground therein alleged and relied upon was that there was no allegation contained in the pleas and affidavit of defense that the application upon which the certificate was issued, and the by-laws referred to in the pleas and affidavit, were attached to and delivered with the certificate. The Supreme Court held that the affidavit of defense was insufficient, and rendered judgment for the plaintiff therein for the full amount of her claim.

(16) An appeal from such judgment was taken to the Court of Appeals of the District of Columbia, and on March 6, 1916, upon an opinion by Mr. Chief Justice Shepard, the other justices concurring, the judgment was reversed and the cause remanded to the Supreme Court for further proceedings, in conformity with the opinion of the Court of Appeals (Rec., p. 27).

(17) An application for a rehearing was subsequently granted upon the following questions:

> "Had the beneficiary of the certificate a vested interest in the same that could not be divested by the issue of a substitute certificate without the surrender of the original, and without the consent of the beneficiary named in the original certificate?" (Rec., pp. 27, 28).

(18) After reargument a decision was handed down in an opinion by Mr. Justice Robb, and in which Mr. Chief Justice Shepard dissented, in which the judgment of the trial court was affirmed (Rec., pp. 28, 31, 34).

(19) Thereafter a petition for a writ of certiorari to the Supreme Court of the United States was duly presented and filed, and the said petition was granted by this court on the 20th day of October, 1916, and filed with the clerk of the Court of Appeals of the District of Columbia on October 23, 1916 (Rec., pp. 35, 36).

(20) It was contended by the respondent herein in the Supreme Court and in the Court of Appeals, and it was so held by the prevailing opinion upon the rehearing in the Court of Appeals, that the original beneficiary named in said certificate had a vested interest and that a substituted certificate could not be issued without the surrender of the original and the consent of the beneficiary. The basis for such contention was section 657 of the Insurance Code of the District which was originally enacted as section 6 of the Act of January 26, 1887 (24 Stat. L., 367), and which reads as follows:

> "Each life insurance company doing business in the District of Columbia shall attach to each policy issued by such company a copy of the application made by the insured, so that the whole contract may appear in said application and policy."

The Order here contends that the section in question, or in its form as amended in 1902, has no application whatsoever to the determination of the issue involved in this case, for the reasons:

(a) That the contract in question was a Massachusetts contract and is to be determined by the laws of the State of Massachusetts.

(b) That fraternal benefit societies, or, as they are designated by section 749 of the Insurance Code, fraternal beneficial associations, are expressly exempt from all of the provisions of the insurance laws of the United States relating to the District of Columbia.

(21) The petition for writ of certiorari set forth the questions presented for consideration as follows:

> "(a) Is the Royal Arcanum to be considered an assessment insurance company, governed by the laws relating to such companies, or is it to be considered a fraternal beneficial association, controlled by the statutes enacted with relation to such associations and laws applicable thereto?
>
> "(b) The application, constitution, and by-laws not being attached to the benefit certificate, does that benefit certificate form the whole contract, or do the application for membership, the constitution and by-laws also enter into it, and control both member and beneficiary?
>
> "(c) Does the beneficiary of a benefit certificate in the Royal Arcanum acquire, upon its issuance, a vested interest in the same, which can not be divested by the issuance of another certificate, on the demand of the member, and naming a new beneficiary, or does the right to change beneficiary survive to the member so long as he lives and remains in good standing in the Order?"

(22) The following reasons were assigned as to why it was proper for this court, in this case, to issue a writ of certiorari:

> "(a) Because if the judgment of the Court of Appeals of the District of Columbia is allowed to

stand unreversed, your petitioner will be burdened with making a double payment on account of a single liability.

"(b) Because under the contract between your petitioner and the said Samuel K. Behrend, he had the strict legal right to demand the issuance of a new benefit certificate substituting his son and daughter as beneficiaries therein in place of the respondent, and it was your petitioner's duty to comply with such demand.

"(c) Because your petitioner, within the meaning of the Acts of Congress relating to fraternal beneficial associations, Section 749 of the District Code, is to be regarded as a fraternal beneficial association, and exempt from the provisions of the Insurance Laws of the United States relating to the District of Columbia.

"(d) Because the courts of last resort in all of the States have uniformly held that a beneficiary named in a fraternal benefit certificate had no vested interest in such certificate during the lifetime of the member, but a mere naked expectancy of an incompleted gift, revocable at any time at the will of the insured.

"(e) Because the rule announced by the Court of Appeals of the District of Columbia would be destructive of the fraternal beneficiary system

"(f) Because the decision of the Court of Appeals of the District of Columbia utterly ignores the exemption of fraternal beneficial associations from the Insurance Laws of the District, as commanded by Sections 655 and 749 of the District Code.

"(g) Because the questions of law involved herein have not been passed upon by this court.

"(h) Because in view of the large number of persons who are members of fraternal benefit societies in this country and whose contracts are similar to the one in this case, the question of the right of a member to change his beneficiary without the consent of the one previously designated is of sufficient general, national and material importance and interest as to make it necessary

that the same should be determined by the court of last resort.

"(i) Because there is a conflict between the law as expounded by said Court of Appeals of the District of Columbia and the rule observed in all other State courts.

"(j) Because the courts of all the States recognize the rule that the statute under which a fraternal benefit society is organized, its by-laws, together with the application for and the certificate of membership, constitute the contract which exists between the member and the society, which instruments, construed together, measure the rights of the parties."

ARGUMENT.

I.

The Court of Appeals Erroneously Interpreted the Acts of Congress Relating to Insurance in the District of Columbia.

The Court of Appeals held that petitioner was engaged, in the District of Columbia in a system of assessment life insurance, and that the laws of the District applicable to business of that kind apply, and among them section 657 of the Code. This section was amended in 1902, but in its original form was section 6 of the Act of January 26, 1887 (24 Stat. L., 367), and read as follows:

> "Each life insurance company doing business in the District of Columbia shall attach to each policy issued by such company a copy of the application made by the insured, so that the whole contract may appear in said application and policy."

The act of which this formed a part was entitled "An Act to regulate insurance in the District of Columbia," and, as appears by its first section, related to companies

having a capital stock and conducting business for profit.

In the prevailing opinion in the court below it was said:

> "When this policy was issued the Act of January 26, 1887 (24 Stat., 367), required each life insurance company doing business here to attach to every policy issued by it 'a copy of the application made by the insured so that the whole contract' might appear in said application and policy. Later this act was superseded by section 657 of the Code, but as the effect of these two provisions of law is the same, it is unnecessary for us to determine, which applies here. The later enactment simply makes plainer the intent of the former, namely, that no defense to a policy should be permitted that was based upon something not contained therein or not attached thereto. *Metropolitan Life Ins. Co.* vs. *Hawkins*, 31 App. D. C., 493; *Metropolitan Life Ins. Co.* vs. *Burch*, 39 App. D. C., 397. It follows, therefore, that we must look solely to the terms of the contract, that is, to the terms of this so-called benefit certificate, to determine the measure of the insured's rights to change the beneficiary."

It is respectfully submitted that a careful examination and analysis of the acts of Congress relating to insurance companies, fraternal beneficial associations, and life insurance associations will disclose convincingly and unmistakably the fact that neither the Act of January 26, 1887, or section 657 of the Code, cited above, have any application in the determination of the rights of the parties to this controversy. Let us examine the history of the section in question and the legislation of Congress bearing upon the matters in issue. When Congress enacted the Fraternal Act in 1897 to govern fraternal beneficial associations in the District of Columbia, the Act of January 26, 1887, was then in force, and the

Fraternal Act of 1897 expressly provided that "such associations shall be exempt from the provisions of the insurance laws of the United States relating to the District of Columbia (therefore, exempt from the Act of January 26, 1887), and no law hereafter passed shall apply to them unless they be specifically designated therein."

The Act of March 4, 1897 (29 Stat. L., 630), defining and regulating fraternal beneficial associations, was subsequently re-enacted into the Code. The first section of the act became section 749, and reads as follows:

> "Sec. 749. A fraternal beneficial association is hereby declared to be a corporation, society, order, or voluntary association, formed or organized and carried on for the sole benefit of its members and their beneficiaries, and not for profit, having a lodge system with ritualistic form of work and representative form of government, making provision for the payment of benefits in case of death. Each such association may make provision for the payment of benefits in case of sickness, temporary or permanent physical disability, either as a result of disease, accident, or old age: *Provided*, That the period in life at which physical disability benefits on account of old age commences shall not be under seventy years, or the age of expectancy from the time of entering, subject to their compliance with its laws. Any such association may create and maintain a reserve, emergency or benefit fund in accordance with its laws. Any such association having a reserve, emergency or benefit fund may, in addition to the benefits hereinbefore named, pay withdrawal benefits, not exceeding the contributions of such member, to a member unable or unwilling to continue membership, provided such membership shall continue not less than three successive years. Such association may also, after ten years of membership, apply its funds and accumulations as its laws provide or the association and members agree. The fund from which the payments

of such benefits shall be made and the fund from which the expenses of such association shall be defrayed shall be derived from assessments, dues, and other payments col ected from its members or otherwise. Payment of death benefits shall be to the families, heirs, blood relatives, affianced husband or affianced wife of or to persons dependent upon such member. *Such association shall be governed by this subchapter, and shall be exempt from the provisions of the insurance laws of the United States relating to the District of Columbia, and no law hereafter passed shall apply to them unless they be specifically designated therein*: Provided, however, that the fact that any such association has outstand ng agreements with its members for the payment of benefits other than those hereinbefore specified, if it is making no new contracts of that character and is retiring those already existing shall not exclude such association from the operation of this subchapter."

If section 657 is now applicable to such fraternal beneficial associations it must be because of the amendment to that section in 1902 which made said section read as follows:

> "Sec. 657. Each life insurance company, benefit order and association, doing a life insurance business in the District of Columbia, shall deliver with each policy issued by it a copy of the application made by the insured so that the whole contract may appear in said application and policy, in default of which no defense shall be allowed to such policy on account of anything contained in, or omitted from, such application."

In order to guard such fraternal beneficial associations from subsequent laws being construed as applicable to them, and to remove all doubt about the applicability of subsequent laws, it was provided that "No law hereafter passed shall apply to them unless they be *expressly designated therein*." This was a valid enactment and

created a rule of law by which to determine whether any subsequent laws did or did not apply to such associations. The amendment of 1902 to section 657, most assuredly did not apply to fraternal beneficial associations by the name given to them in the Fraternal Act. It is significant that the name "fraternal beneficial associations" is not accidental, but is a distinctive name given by Congress to associations in the District of Columbia that come within the definition given in section 749.

Section 655 of the General Insurance Laws provides that:

> "Nothing herein contained shall be held to interfere with or abridge the rights of, or apply to, any fraternal beneficial societies, orders, or associations, under the Act of Congress entitled, 'An act regulating fraternal beneficial associations in the District of Columbia.' "

Section 749 gives such associations the distinctive name "fraternal beneficial associations." It is the creation by Congress of a name for classes of associations which Congress specifically defined. Section 756 refers to them only by the name of "fraternal beneficial associations." Section 757 also refers to any "fraternal beneficial association."

More significant, however, than any other provision of the laws we are considering is the language used in section 764, as follows:

> "Nothing in this subchapter shall be construed to apply to any corporation, society, order or association carrying on the business of life, health, casualty, or accident insurance *for profit or gain*, and it shall only apply to fraternal beneficial associations as defined by section seven hundred and forty-nine."

It is apparent Congress had in mind two classes of companies doing insurance business. The one being

carried on for profit and gain, and the other without profit and solely for the benefit of the members and their beneficiaries, and this distinction was kept clearly in mind in enacting laws regulating the insurance business. It is also evident from section 764 that Congress had in mind that there were "societies, orders and associations" carrying on life insurance for *profit and gain*, for it specifically so indicates by the language used, and it must be presumed that had Congress intended to include fraternal beneficial associations in the amendment of section 657, it would have done so by reference to them by their distinctive name as was done in the various other sections above referred to.

The most conclusive argument of all would seem to be that Congress removed the question beyond the realm of speculation or construction when it expressly provided that fraternal beneficial associations, as defined in section 749, shall not be deemed to be included in any subsequent insurance law unless they are expressly designated therein. Congress thereby left nothing to inference or construction. It enacted a positive and certain rule for determining the applicability of subsequent insurance laws to such associations.

As further evidence of the intention of Congress to differentiate in regard to these societies, the War Revenue Act of June 13, 1898, in placing a tax on life insurance policies, provided:

> *Provided further* that the provisions of this section shall not apply to any fraternal, beneficiary society, or order, or farmers' purely local cooperative company or association, or employees' relief associations operated on the lodge system, or local cooperative plan, organized and conducted solely by the members thereof for the exclusive benefit of its members and not for profit.

As we have seen, judgment was entered below for want of a sufficient affidavit of defense. That affidavit

went in great detail into the organization of the Royal Arcanum, and, without shadow of doubt, showed that it complied with all of the obligatory requirements of section 749, supra. For the purposes of this case, the allegations of that affidavit are taken to be true, and yet the Court of Appeals ignored them, and makes not the slightest reference in its opinion to the statute to which they apply.

In the application for membership, Behrend agreed as follows:

> "I agree, for myself, my beneficiaries, heirs, and all such other persons that . . . I will and they shall conform to and abide by the Constitutions, Laws, Rules and Usages of said Council and Order now in force, or which may hereafter be adopted by the same" (p. 151, Code, inserted in Record).

We call attention to the language of this court in the case of *Supreme Council of the Royal Arcanum* vs. *Green*, 237 U. S., 531, and hereinbefore cited, in which it was said:

> "It is not disputable that the corporation was exclusively of a fraternal and beneficiary character and that all rights of the complainant concerning the assessment to be paid to provide for the Widows' and Orphans' Benefit Fund had their source in the constitution and by-laws and therefore their validity could be alone ascertained by a consideration of the constitution and by-laws. This being true, it necessarily follows that resort to the constitution and by-laws was essential unless it can be said that the rights in controversy were to be fixed by disregarding the source from which they arose and by putting out of view the only consideration by which their scope could be ascertained."

We can search the opinion of the Court of Appeals in vain for any reference to the *Green case*, the portion

which we have quoted being clearly at odds with the conclusions reached in the case at bar.

Your honors have said that resort must be had to the constitution and by-laws to ascertain the rights of the member; while the Court of Appeals denies the right of petitioner to invoke that constitution and those by-laws in determining its obligation to a beneficiary. It is submitted that, if, as this court has held, the constitution and by-laws are a part of the contract as to the member, they are such for all purposes, and bind the beneficiary as well. As we have already pointed out, the member in his application agreed *for his beneficiaries*, that he would "conform to and abide by the constitution, laws, rules, and usages of the said council and order now in force, or which may hereafter be adopted by the same." Under this agreement the petitioner issued its benefit certificate to the member, and he accepted it.

II.

The Court of Appeals Erroneously Held that the Petitioner Was Engaged in Carrying on "a System of Assessment Life Insurance."

That the petitioner is a fraternal benefit society and not an assessment life insurance company, we think was conclusively and decisively established by this court in the recent case of *Supreme Council of the Royal Arcanum* vs. *Green*, 237 U. S., 531, in which the chief justice said:

> "Conformably to the authority conferred by the general laws of Massachusetts to organize fraternal beneficiary corporations, in 1877 there was issued to designated persons a certificate of incorporation under the name of the Supreme Council of the Royal Arcanum. By the constitution and by-laws, referred to in the certificate, the corporation became what is known as a fraternal association under the lodge system."

In view of this clear language affecting this petitioner, we feel that it is not only unnecessary but well-nigh impertinent, to trouble the court with any further argument upon this precise question. As the question, however, of the legal status of the petitioner was not in dispute in the *Green* case, we take the liberty of hereinafter pointing out at some considerable length the reasons why, in our opinion, the finding of the District Court of Appeals, in the respect above mentioned, was erroneous.

Whether the statutes of the State of Massachusetts, or the Insurance Code of the District of Columbia be used as the yard-stick by which to measure the character of the business transacted by the Supreme Council of the Royal Arcanum, it conforms to all of the requirements of a fraternal benefit society upon the one hand, and a fraternal beneficial association upon the other. It now is, and has been, doing, as shown by its constitution and laws, a part of the transcript of the record in this case, the kind of business required of a corporation to entitle it to be recognized as having the legal status of a fraternal benefit society, or fraternal beneficial association, the two terms being used in the statutes of the various States interchangeably.

Under the District Code, section 749, a fraternal beneficial association is declared to be a corporation "formed organized and carried on for the sole benefit of its members and their beneficiaries, and not for profit, having a lodge system, with ritualistic form of work and representative form of government, making provisions for the payment of benefits in case of death."

That the Supreme Council of the Royal Arcanum is such corporation, is clearly set forth in its plea to the amended declaration, as shown on page 9, and affidavit of defense, as shown on pages 12, 14, and 15, and the constitution and laws of the Order, annexed to the transcript of record, and stipulated to be considered as a part of the record, as appears upon page 21.

The assessment life insurance business is purely commercial in its character, carried on for profit, without the lodge system, devoid of fraternal features, without any attempt to furnish aid or assistance to its policyholders while in sickness or distress, and is only a form of commercial life insurance.

In Bacon on Benefit Societies (3d Ed.), section 13, it is said:

> "There are also in this country a number of regular corporations, formed for the conduct of the business of life insurance on the plan of the benefit societies—the collection of frequent periodical assessments as required to meet death losses. The business of these companies is regular life insurance conducted upon a new theory, for, except in this respect, they do not differ from the regular life insurance companies with which all are familiar. These organizations are known as assessment companies, or life insurance companies doing business on the assessment plan and in some States the business is regulated by statute."

See, also, *Nugent* vs. *Greenfield Life Assn.*, 172 Mass. 278, in which the court said:

> "Our statutes deal differently with assessment insurance, the contracts of fraternal beneficiary organizations and ordinary premium insurance. The principal respective enactments are St. 1890, c. 421, governing assessment insurance; St. 1898, c. 474, relating to the operation of fraternal beneficiary organizations, and St. 1894, c. 532, which regulates ordinary premium insurance. Neither of these statutes is general, or as, of course, applicable to the kinds of insurance regulated by the other acts."

The business of such companies is regulated by statute in both Massachusetts, the domicile of the petitioner, and in the District of Columbia, and by different statutes,

in both Massachusetts and the District, the fraternal benefit societies are regulated.

Assessment companies: Mass. Revised Laws, c. 119; District of Columbia, Code, Sec. 653, as amended (37 Stat. L., 16).

Fraternal societies: Mass., Chap. 628, Acts of 1911; District of Columbia, Secs. 749 et seq. of Code.

The Court of Appeals reached the conclusion that the petitioner is engaged in a system of assessment life insurance by reason of the decisions in the following cases:

Marcus vs. *Heralds of Liberty*, 241 Pa. St., 429.

National Union vs. *Marlow*, 74 Fed., 775.

Corley vs. *Traveler's Protective Assn.*, 105 Fed., 854.

Rockhold vs. *Canton Masonic Mut. Benev. Soc.*, 129 Ill., 440.

Sup. C'l. Am. Legion of Honor vs. *Larmour*, 16 S. W., 633 (Texas, 1891).

Kansas vs. *Nat'l. Assn. of the Farmers & Mechanics' Mut. Aid Assn.*, 35 Kans., 51.

Modern Brotherhood vs. *Lock*, 22 Colo. App., 409.

Grimes vs. *Northwestern Legion of Honor*, 64 N. W., 806 (Iowa, 1895).

It is respectfully submitted that an examination of the cited cases does not justify the conclusion that the Royal Arcanum in the District of Columbia was engaged in the business of an assessment life insurance company.

In *Marcus* vs. *Heralds of Liberty*, it was held that—

> "the character of the business transacted must be determined by the facts in each particular case, although the presumption is that the business is what the association declares it to be" (page 433), "or, more accurately speaking, of the kind and character of business done by a particular association whose contracts are the subject of judicial inquiry."

In that case, the applicant for membership could select an ordinary life certificate, an ordinary limited annuity, an ordinary whole life annuity, or a participating whole life annuity. The premium was fixed at a definite sum, and the certificate provided for payment of a fixed sum. In the advertising literature of the company, the business of it was referred to as an insurance business. But little attention was paid to the social, fraternal and benevolent features of the Order, and it was held that the evidence in that case all pointed to the one end—"that under the guise of a beneficial association, the defendant is doing an insurance business."

In *Corley* vs. *Travelers' Protective Assn.*, there was nothing in its organization of a secret or fraternal character, no lodge system, with ritualistic form of work, and the association did not obtain its membership through the lodge system, and manifestly the decision in that case could have no application to the determination of the question involved in the case at bar.

In *Rockhold* vs. *Canton Masonic Mut. Benev. Society*, the court was construing a statute of Illinois, enacted in 1869, entitled, "An Act to Organize and Regulate the Business of Life Insurance," and the court merely held that the act was intended to include mutual as well as stock companies.

In *Supreme Council, American Legion of Honor* vs. *Larmour*, the constitution and by-laws of the society clearly indicated that the only object and purpose of the society was the collection of assessments and payment of death benefits, and it was held that the contract there considered had all the leading characteristics and essential features of a life insurance contract.

In *Kansas* vs. *Nat'l. Assn. of the Farmers & Mechanics' Mut. Aid Assn.*, decided in 1886, it was held that the contract there under considerat on was solely one of insurance, by which the member agreed to pay certain

assessments, and the society to pay a death benefit, and that the society did not come within the provisions of the then Kansas statute, which excepted from its operation associations "under the supervision of a grand or supreme lodge," as the same referred only to Free Masons, Odd Fellows and the like. When that case was decided there was no statute in force in Kansas defining and regulating fraternal benefit societies.

In *Grimes* vs. *Northwestern Legion of Honor*, 64 N. W., 806 (Sup. Ct. of Iowa, 1895), it was held that "a benefit society is an insurance company." When that decision was rendered there was no statute in Iowa fixing the legal status of fraternal benefit societies, and the doctrine of that case, decided twenty years ago, is clearly inapplicable at the present time.

An examination of the constitution and by-laws of the petitioner, made a part of the transcript of the record herein, shows that the objects of the society are:

> "Sec. 3. The objects of the Order are:
>
> "1st. To unite fraternally all white men of sound bodily health and good moral character, who are socially acceptable and between eighteen and fifty-five years of age.
>
> "2d. To give all moral and material aid in its power to its members and those dependent upon them.
>
> "3d. To educate the members socially, morally and intellectually; and to assist the widows and orphans of deceased members.
>
> "4th. To establish a fund for the relief of distressed and sick members.
>
> "5th. To establish a fund for the payment of disability and old-age benefits.
>
> "6th. To establish a widows' and orphans' benefit fund, from which, on the satisfactory evidence of the death of a member of the Order, who has complied with all its lawful requirements, a sum not exceeding three thousand dollars shall be paid to the wife, children, relatives of, or per-

sons dependent upon such member, as limited and described in the laws of said Order, relating to benefit certificates, as he may direct in accordance with said laws, and from which benefits, as prescribed by said laws, may be paid to members upon attaining 70 years of age."

Reference to the by-laws shows clearly that provision is made to carry out each of the foregoing objects. To illustrate:

As to object 1st, section 271 provides that each applicant for membership must be of good moral character, and a believer in a Supreme Being. Section 273 provides that each applicant must be recommended by two members in good standing in the council to which he makes application. Section 276 provides that a committee of three members shall be appointed to investigate the character, habits, and other qualifications of the applicant. A committee may report favorably or unfavorably (sections 276-281). The applicant must be elected by ballot, and if more than three black balls appear, the applicant is rejected (section 279).

As to the 2d object, section 438 provides that subordinate councils may pay members' assessments as a loan or gift from its general fund, and the form of by-law found on page 163 of Exhibit A shows that it is the mandatory duty of the collector to pay assessments from the loan fund, of a member who may become delinquent. Moral aid is intended to be furnished to the members by the provisions of section 607 (1), (2), (3) and section 627.

Features of this character are entirely foreign to assessment insurance companies.

The 3d object of the Order is intended to be complied with by section 218, which provides for delivering a lecture, or something of a moral, social, interesting nature at each meeting of the council; by section 605,

which provides for holding social and fraternal gatherings on Royal Arcanum Day, Royal Arcanum Charter Day, and appropriate meetings on Royal Arcanum Memorial Night, and also by the obligation taken by a member, found on page 156 of Exhibit A, as follows:

> "I will assist a distressed brother, or his family when in distress, as far as in my power without material injury to myself or family."

Provision is made to comply with the 4th object by section 244, which makes it the duty of the Relief Committee to visit sick or disabled members and to report to the council such pecuniary assistance as may be needed, by section 377, containing requirements for furnishing relief and payment of weekly sick benefits; by section 382, making each member subject to the order of the Regent of his council in attending to its sick or disabled members; by section 632, which imposes a fine for failure to attend sick or disabled members.

The 5th object is complied with by sections 459, 474, 475 and 476, which relate to the creation of a fund for the payment of disability and old-age benefits.

The 6th object is complied with by sections 430 and 460, relating to the creation of a widows' and orphans' benefit fund and the payment of benefits therefrom upon the death of the members.

So that the by-laws of the Order provide in every essential requirement for carrying out its mission of charity, philanthropy and benevolence, as well as the payment of death benefits, the characteristic attributes of a fraternal benefit society.

We can not point out the distinction between an assessment insurance company, which is conducted for profit, and a fraternal benefit society in language more appropriate than that used by the Supreme Court of

Illinois, in *Peterson* vs. *Manhattan Life Insurance Co.*, 244 Ill., 329, as follows:

> "In the ordinary sense a fraternal order is not an insurance company. Fraternal organizations exist which have nothing in the nature of insurance, others which issue no certificate and yet pay a death benefit, others which issue certificates and pay death benefits to some of its members and not to others, and others organized for the purpose of benefiting the widows, orphans, relatives or dependents of deceased persons. The latter have some of the characteristics of insurance companies, the chief resemblance consisting in the fact that a sum of money is payable upon the death of the member in one case, the insured, in the other, to the beneficiary. But the two classes of corporations are organized under different acts and for different purposes. A life insurance policy may be obtained either by the insured or any one having an interest in his life, may be payable to his estate, to a creditor or to a beneficiary named, and upon his death the amount is an ordinary debt, subject to garnishment or other process of law. The certificate of a beneficiary society may be obtained only by the member. It can not be made payable to his estate, but only to his widow or children or some one belonging to the classes mentioned in the statute, and the amount of the benefit is not an ordinary debt, subject to the claims of creditors by any legal or equitable process, but it is expressly exempt from appropriation to the payment of any debt or liability of a certificate holder or of any beneficiary named in a certificate, or of any person having any right thereunder. The insurance company is an ordinary business corporat on and its policies are obtained for ordinary business purposes, for investment, for security, for the benefit of credit, as well as for the protection of the family The beneficiary society is organized not for the purposes of profit. Its certificates can not be used for business purposes. Its members can receive no

pecuniary advantage from its certificates. Creditors can not reach such certificates, and the only purpose of the society is the benefit of the widows or orphans of its members or persons within the other classes mentioned in the statute."

The fraternal benefit societies, or fraternal beneficial associations, stand in a distinct and separate class by themselves, and are conducted without profit and for the mutual benefit of members. The life insurance companies and associations doing business upon the assessment plan occupy another distinct type and class, and each class as regulated by statutes in the various States of the Union.

The business of fraternal beneficiary societies has grown to such magnitude and to such gigantic proportions in recent years that the legislatures of the various States have enacted complete and comprehensive codes defining the business of such companies, and fixing their legal status. Such codes exist in the District of Columbia and twenty-five different States as follows:

District of Columbia, Code, Subchapter 12, Secs. 749-765.

Arizona, Rev. Stats., Tit. 24, Secs. 3493, 3494. (Law, 1913, c. 94, Secs. 100, 101.)

Alabama, General Acts of 1911, pp. 713, ff. Act of April 24, 1911, Secs. 23, 23a.

California, General Laws, c. 49, Act, 440, Secs. 23, 23a. (Act of May 1, 1911.)

Colorado, Mills Stats., c. 65, Secs. 3042, 3043. (Act of June 2, 1911.)

Connecticut, Public Acts of 1913, c. 185, Secs. 33-42. (Act of June 7, 1913.)

Idaho, Session Laws, 1911, c. 225, Secs. 23, 23a. Also Session Laws, 1913, c. 184.

Louisiana, Act No. 256 of 1912, Sec. 23; Act No. 287 of 1914, Secs. 1, 3.

Maryland, Laws 1912, c. 824, Sec. 12a (applying only to new societies).

Massachusetts, St. 1911, c. 628, Secs. 22, 23; St. 1913, c. 617, Sec. 3.

Michigan, Public Acts 1913, No. 169, Secs. 23, 23a, 23b.

Missouri, Laws 1911, p. 293, Act of March 30, 1911, Secs. 25, 26.

Montana, Session Laws, 1911, c. 140, Secs. 23, 23a.

New Hampshire, St. 1913, c. 122, Secs. 23, 23a, 23b.

New York, L. 1911, c. 198, Sec. 242.

North Carolina, Public Laws, 1913, c. 89, Secs. 20, 20a, 20b.

North Dakota, Laws, 1913, c. 191, Secs. 23, 23a, 23b.

Ohio, Laws, 1911, pp. 542-544, Act of May 31st, Secs. 23, 23a, 24, Code, Secs. 9484, 9485.

Oregon, General Laws, 1911, c. 217, Secs. 23, 23a.

Rhode Island, Public Laws, 1912, c. 803, Sec. 23, Public Laws of 1913, c. 958, Sec. 2.

Tennessee, Acts of 1909, c. 99 (Permissive).

Texas, Laws of 1913, c. 113, Secs. 23, 23a, 23b, 23c.

Utah, Laws of 1911, c. 148, Secs. 23, 23a.

Washington, Laws of 1911, pp. 290-2, c. 49, Secs. 228, 229; Code, 6059, 228, 229.

Wisconsin, 1913, c. 251.

Wyoming, Session Laws, 1913, c. 127, Secs. 23, 23a, 23b.

III.

The Contract in Question Should Be Construed According to the Laws of Massachusetts, the Domicile of the Corporation.

Acts of 1911, c. 628, sec. 6, of the Commonwealth of Massachusetts, being an act to provide for the control and regulation of fraternal benefit societies, contain the following:

> "Within the above restrictions (classification of permissible beneficiaries) each member shall have the right to designate his beneficiary, and, from time to time, have the same changed in accordance with the laws, rules or regulations of the society; and no beneficiary shall have or obtain any vested interest in the said benefit until the same has become due and payable upon the death of the said member."

We have occasion to again refer to the opinion of this court in the *Green* case, wherein it was said:

> "Moreover, as the charter was a Massachusetts charter, and the constitution and by-laws were a part thereof, adopted in Massachusetts, having no other sanction than the laws of that State, it follows by the same token that those laws were integrally and necessarily the criterion to be resorted to for the purpose of ascertaining the significance of the constitution and by-laws."

Under the statute above quoted, it requires no citation of authority to demonstrate that a member has the right at any time to change his beneficiary without the consent of the original appointee. We nevertheless call attention to the fact that the Supreme Judicial Court of Massachusetts, in *Proctor* vs. *Order of Golden Star*, 203 Mass. 587, held that even where the beneficiary paid the assessments for the member, she acquires no vested right, and

the member may change the beneficiary by appointing the death benefit to another.

In *American Legion* vs. *Green*, 71 Md., 263, the court said:

> "The appellant is a corporation chartered under the laws of Massachusetts. . . . What the statute of Massachusetts authorizes to be done under it has been settled by the decisions of Massachusetts courts, and those decisions are controlling as to the effect and meaning of the statute, and we should follow them as making a part of the law of the State, no matter whether they are entirely in harmony, with the decisions of other States upon somewhat similar statutes or not."

IV.

What Constitutes a Contract of Fraternal Beneficial Membership?

It is well established that a contract of fraternal beneficial membership consists of the application for membership, the benefit certificate, by-laws of the Order, and the statutes of the State under which the corporation was organized.

Sabin vs. *Phinney*, 134 N. Y., 428.

Shipman vs. *Protected Home Circle*, 174 N. Y., 398.

Brenizer vs. *Supreme Council, Royal Arcanum*, 141 N. C., 409.

Niblack, Mutual Benefit Societies (2d ed.), section 136, and cases cited.

Supreme Council of the Royal Arcanum vs. *Green*, 237 U. S., 531.

Such being the accepted law, and the by-laws of the Order giving the member the right to change his beneficiary at any time, there can be no room for doubt but

that the issuance of the substituted certificate in the instant case was authorized and valid and that payment to the substituted beneficiaries was likewise valid and released the Order from all liability on account of membership in it of the said Samuel K. Behrend, and that the judgment against the petitioner requiring it to make a double payment for a single liability should be reversed.

V.

A Beneficiary Has No Vested Interest in a Fraternal Benefit Certificate During the Lifetime of the Member.

A beneficiary in a certificate of fraternal benefit society possesses a mere naked expectancy, subject to revocation at the will of the member at any time, with no vested interest during the lifetime of the member. There is no principle better established or more universally recognized by the courts of all the States than the foregoing doctrine.

The rule is well stated by that standard author, Mr. Bacon, in his work on Benefit Societies and Life Insurance (3d ed.), section 289, as follows:

> "The member of a beneficiary organization, on the other hand, as we have seen, has no property interest in the benefit, but only the naked power of designating some one to receive it. This designated recipient also has no property, nor vested rights, in the benefit, because his interest is contingent and uncertain, the power of the member to revoke the appointment and substitute a new beneficiary being specially reserved by the laws of the society, which laws enter into and form a part of the contract."

The New York Court of Appeals, in *Sabin* vs. *Phinney*, 134 N. Y., at page 428, uses apt language declaratory of the foregoing rule, as follows:

> "The relation which existed between Sabin and the society subjected him to certain burdens and entitled him to certain benefits during the continuance of his membership, and if he died while in good standing in the order his appointee became entitled to a certain sum. This relation could be terminated at any time at the will of the member, and the appointee was changeable from time to time as he might elect. If we chose to term this relation a contract and it was established by agreement, the contract gave the right of change of the beneficiary with or without reason. *Any person who became an appointee in such a certificate took the position subject to the absolute right of the member to substitute a new one at any moment.* The rights acquired by the member by virtue of this relation did not amount to a chose in action. He had no interest in the society that was assignable or transferable until some right of action had accrued. The appointee had no vested interest in the sum which might in a contingency become payable on the death of the member."

The conclusion of the District Court of Appeals in the instant case that when the benefit certificate was issued naming the respondent as beneficiary "her interest therein became fixed and certain" is diametrically opposed to that of the Supreme Court of Pennsylvania in construing a Royal Arcanum contract, Hamilton *vs.* Royal Arcanum, 189 Pa. St., 273, wherein the court said:

> "The right of a member in good standing to change the beneficiary named in his certificate by the substitution of another of the class entitled is absolute. Neither the assent of the beneficiary nor the surrender of the certificate was necessary.

This right was reserved in his application and in the certificates, and has been recognized by the order as fundamental, and it has been fully sustained by the decisions of this court."

Like citations could be multiplied without number, but we call attention only to the following:

Masonic Mut. Ben. Assn. vs. *Tolles*, 70 Conn., 537.

Middeke vs. *Balder*, 198 Ill., 590.

Carter vs. *Carter*, 35 Ind. App., 73.

Wandell vs. *Mystic Toilers*, 130 Ia., 639.

Proctor vs. *Order of Golden Star*, 203 Mass., 587.

Grand Lodge, A. O. U. W., vs. *Frank*, 133 Mich., 232.

Grand Lodge, A. O. U. W., vs. *McFaden*, 111 S. W., 1172.

Brown vs. *A. O. U. W.*, 208 Pa. St., 101.

Supreme Court, etc., vs. *Gehrenbach*, 124 Cal., 43.

Golden Star Fraternity vs. *Martin*, 59 N. J. L., 207.

Schiller-Bund vs. *Knack*, 184 Mich., 95.

Holland vs. *Taylor*, 111 Ind., 121.

Grand Legion, Select Knights vs. *Beaty*, 224 Ill., 346.

Supreme Council, Royal Arcanum vs. *Mc Knight*, 238 Ill., 349.

Masonic Mutual Benefit Society vs. *Burkhart*, 110 Ind., 189.

Schoenan vs. *Grand Lodge, A. O. U. W.*, 85 Minn., 349.

Westerman vs. *Supreme Lodge, K. of P.*, 196 Mo., 670, p. 737.

Fisher vs. *Donovan*, 57 Neb., 361.

Pollock vs. *Household*, 63 S. E. (N. C.), 940.

Respondent claims a vested interest in the original certificate, because, as she alleges, it was given to her

as a wedding present, and she paid practically all of the assessments; and the Court of Appeals approved this view. She does not claim to have agreed with the member that she would pay those assessments, for that would have put her out of court, under section 758 of the Code, which was section 10 of the Act of March 4, 1897, supra, and which reads as follows:

> "Sec. 758. No contract with any such association shall be valid where there is a contract, agreement or understanding between the member and the beneficiary prior to or at the time of becoming a member of the association that the beneficiary, or any person for him, shall pay such member's assessments and dues, or either of them."

Without such an express agreement she could have no vested interest which could not be divested, independently of her consent.

> "However, the fact that the person originally designated incurs expenses with reference to the transaction on the faith of the designation, as by paying dues and assessments to keep the certificate alive, does not prevent the substitution of a new beneficiary in his place, in the absence of a contract that he is to receive the benefit; nor does the fact that the member delivers the certificate to the beneficiary as a gift preclude him from subsequently designating a new beneficiary."
>
> 29 Cyc, 129.

The distinction that has arisen between these associations and the old form of life insurance companies, in this regard, was well stated by the late Mr. Justice Brown, while he was district judge of the Eastern District of Michigan. In *Supreme Conclave, Royal Adelphia* vs. *Cappella*, 41 Fed., 1, 3, he said:

> "This is one of a class of cases which have become quite common within the past 25 years,

arising out of an inexpensive method of insurance, by which persons in moderate circumstances may by the payment of a small monthly assessment, secure a provision for themselves or their families in case of sickness, accident, or death. Much of the law applicable to ordinary cases of life insurance is equally applicable here. In a few particulars, however, it seems to be somewhat less favorable to the person for whose benefit the policy is taken out. For instance, in the case of an ordinary policy, the right of the person for whose benefit the policy is issued can not be defeated by the separate or joint acts of the assured and the company, without the consent of the beneficiary, while it is entirely well settled in cases of this description the beneficiary has no vested interest in the benefit certificate until the death of the insured member. *Up to this time he may change his designation of beneficiary at will, against the consent of such beneficiary, even though the latter may have advanced the money to pay the assessments upon the certificate.*"

In its opinion, the Court of Appeals relied upon the decision in *Supreme Lodge, Knights and Ladies of Honor* vs. *Ulanowski*, 246 Pa., 591, to sustain the position that the gift of the certificate as a wedding present and the payment of most of the assessments, gave the respondent here a legal as well as an equitable right to the benefit of the certificate, which could not be taken from her without her consent. But the Pennsylvania court made no such decision. In that case, in order to induce a widow to marry him, Ulanowski promised to make a will in her favor and transfer his insurance policies to her benefit, which he did. Subsequently he transferred the one in suit to his daughter. The court held that the consideration which vested the wife with a legal and equitable right to the benefit of the certificate, was the ante-nuptial agreement, and it made no reference, in its

conclusions of law, to the fact that the wife had paid the assessments.

A case which upon the facts is strickingly similar to the one at bar is that of *Schiller-Bund* vs. *Knack*, 184 Mich., 95, decided January, 1915. In that case, August Knack, a member of a fraternal benefit society, when the benefit certificate was first issued, designating his wife as beneficiary, took the certificate home and handed it to his wife, and "told her to keep it, for it was hers, and that she would have to keep it up; that he did not want to be bothered with it." From that time, January, 1903, until January 14, 1911, the wife paid all dues and assessments accruing upon the certificate. The parties were divorced in November, 1909, and in December, 1910, the insured married again. The first wife retained the possession of the benefit certificate, and in May, 1911, the insured requested her to surrender the possession of the certificate, which she refused to do. Whereupon he made an affidavit that the original certificate was not in his possession and that he could not procure the same, and in July, 1911, a new benefit certificate was issued naming the second wife as benefic ary. Both the first and second wives claimed the benefit. The court held that the controlling question in the case was "whether Bertha Knack (the first wife) acquired a vested interest in the original certificate in question." The court said:

> "The right of the defendant Bertha must depend upon whether she had a vested interest in this first certificate; for if she did not, and the society saw fit to and did issue a new certificate making Martha the beneficiary, and it was upon this new certificate that payments were made by August Knack, from its date down to the time of his death (May 1, 1912), he having the rights to change the beneficiary in his certificate, the defendant Bertha would have no

standing in court. We therefore agree with counsel for the appellee that the chief and final question to be decided upon this record is whether Bertha Knack acquired such vested interest in the original certificate. Upon that question we have read with care the record and authorities cited by counsel upon both sides, and are of the opinion that, giving the evidence in behalf of Bertha its strongest probative force, it does not show such a contract based upon sufficient consideration as would be binding upon the parties and would render it beyond the power of August to change the beneficiary. We must recognize the rule which has been frequently announced by this court that the by-law of a society permitting the changing of a beneficiary is a reasonable regulation of the member to exercise the power of appointment whenever and so often as he pleases. . . . *And the fact that the certificate was in the possession of Bertha, and that she made the payments, is not sufficient to give her the right to protest against a change of beneficiary.* . . . We have examined the cases cited in the briefs of counsel, and are unable to find a case in which it was held there was a vested right passing to the beneficiary where there was not an express contract founded upon valuable consideration (moving to the assured) between the assured and the beneficiary. . . . In this case there was no such binding, valid contract existing between August Knack and Bertha, his wife, as would give her a vested interest in the policy."

The Supreme Court of Michigan, in *Grand Lodge A. O. U. W.* vs. *McGrath*, 133 Mich., 626, announced the same doctrine. There James McGrath joined a fraternal benefit society in May, 1894, and received a benefit certificate payable to Anna McGrath, his wife. She paid all the assessments upon the certificate from 1894 until December, 1900, when a new certificate was

issued payable to Ellen Frank, mother of the insured. The court said:

> "The defendant Anna McGrath appeals to this court, and contends that she acquired a vested interest in the benefit fund by reason of her payment of the assessments, and in accordance with the agreement made between herself and husband when the certificate was issued. . . . We think no such contract is shown by the record as precluded the insured from changing his beneficiary in pursuance of the by-laws of the Order. The bare fact that the certificate was in the possession of Mrs. McGrath, and that she made payments for a time, is not sufficient to give her the right to protest against a change of beneficiary."

The Supreme Court of Indiana, in *Holland* vs. *Taylor*, 111 Ind., 121, in passing upon the right of a member of the Royal Arcanum to change his beneficiary, points out the fundamental difference between a certificate of membership in a benefit association and an ordinary policy of life insurance so far as change of beneficiary in the same are concerned. The court in that case said:

> "Upon a fair construction of the certificate, the by-laws of the Order are a part of the contract. Therefore, by accepting the certificate, the member (Taylor) obligated himself to comply with the by-laws and agreed that payment should be made to the executors for the benefit of his daughter, unless the certificate should be surrendered by him, and another issued at his request, in accordance with the laws of the Order.
>
> "He, and all concerned, would have been bound by the by-laws, even though there had not been such a reference to them in the certificate. Benevolent associations, such as the Royal Arcanum appears to be, are in the nature of mutual insurance companies. Persons who become members of such associations, and accept certificates,

are bound to take notice of the by-laws; they enter into and become a part of the contract the same as if they were written out in the certificate.

"Whatever rights beneficiaries have in life policies, they have by virtue of the contract between the insurance company and the assured. In the case of an ordinary insurance policy, the right of the beneficiaries in the policy, and to the amount to be paid upon the death of the assured, is a vested right, vesting upon the taking effect of the policy. That right can not be defeated by the separate, or the combined, acts of the assured and insurance company without the consent of the beneficiary. As in other cases, so here, whether right or power Taylor, the assured, had to and over the certificate was by virtue of the terms of the certificate and the by-laws of the Order, which together constituted the contract between him and the Order. And whatever rights the beneficiary, Anna Laura, had, or now has, to the fund to be, and in this case paid, upon the death of the assured, her father, she had, and has, by virtue of the same contract. It should be observed that the Royal Arcanum is not a domestic corporation, and hence not affected by section 3848, R. S., 1881. If then the Royal Arcanum were to be treated as an ordinary life insurance company, and the certificate as an ordinary life policy, it would be clear that Taylor, the assured, had no authority, by will or otherwise, to change the beneficiary, or in any way affect her rights, without her consent. For many, and indeed for most purposes, mutual benefit associations are insurance companies, and the certificates issued by them are policies of life insurance governed by the rules of law applicable to such policies. There are, however, some essential differences usually existing between the contracts evidenced by such certificates and the ordinary contract of life insurance. The most usual difference is the power, on the part of the assured in mutual benefit associations, to change the beneficiary. But as in either case the rights of the beneficiary are de-

pendent upon and fixed by the contract between the assured and the company or association, there seems to be no reason why the assured should have any greater power to change the beneficiary in one case than in the other, except as that power may be inherent in the nature of the association, or is reserved to him by the constitution, or by the laws of the association or by the terms of the certificate. In the case before us, the right and power of the assured, Taylor, to change the beneficiary was reserved to him by the by-laws of the Order, and recognized in the certificate. Because of that reservation, the beneficiary, Anna Laura, did not have a right in and to the certificate, and the amount to be paid upon the death of the assured vested in such a sense that it could not be defeated. . . . By virtue of the by-laws and the certificates, which as we have seen, constituted the contract between him and the Royal Arcanum, he had power to change the beneficiary."

The Court of Appeals held that the rule laid down n *Washington Central Bank* vs. *Hume*, 128 U. S., 195, is controlling here. It is, therefore, apparent that the basic foundation of error of the Court of Appeals was the failure to recognize the distinction, universally recognized in courts of all other jurisdictions, between a contract of life insurance and of fraternal beneficiary membership.

VI.

It is respectfully submitted that the judgment of the Court of Appeals of the District of Columbia, here under review, should be reversed and the case remanded with suitable instructions.

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Office Supreme Court, U. S.
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IN THE

Supreme Court of the United States

OCTOBER TERM, 1917.

No. 267.

SUPREME COUNCIL OF THE ROYAL ARCANUM, *Petitioner,*

vs.

SUE B. BEHREND.

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

BRIEF FOR RESPONDENT.

W. GWYNN GARDINER,
Attorney for Respondent.

PRESS OF BYRON S. ADAMS, WASHINGTON, D. C.

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SUE B. BEHREND.

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

BRIEF FOR RESPONDENT.

This case comes before the court on writ of certiorari to the Court of Appeals of the District of Columbia. The petitioner here is asking this court to reverse the finding of the Court of Appeals of the District of Columbia, by which finding the said Court of Appeals found the respondent to be entitled to the proceds of a policy of insurance issued to her husband under date of March 1, 1899, in which respondent was named as beneficiary.

STATEMENT OF FACTS.

On the first day of March, A. D. 1899, respondent company issued a policy to Samuel K. Behrend, in which it agreed to pay at his death, to Sue B. Behrend, wife, a sum not exceeding $3,000 (Rec., pp. 4 and 5). The policy in suit was delivered to the insured on the first day of March, A. D. 1899, in the City of Washington, District of Columbia, where he paid the first premium on same, it being delivered to him in this city by the officers of the local office or council (Rec., p. 6). The application made to the petitioner and the by-laws, rules and regulations of the company were never delivered to the insured, nor was there delivered with the policy any written or printed statement of any character other than the policy itself as shown on (Rec., p. 4). Then and there the insured delivered said policy to respondent as a wedding present, the said policy being in her possession ever since said date, she having paid most of the premiums, on said policy, to wit, $807.03, out of her sole and separate estate (Rec., p. 6); that no demand or request was made of her by her husband or by the company, through any of its agents or representatives to deliver said policy up for the purpose of change of beneficiary or for any other purpose before said change of beneficiary was actually made by the company.

It is further shown (Rec., p. 7) that respondent wrote a letter to the company advising it that she had information that it was the purpose of her husband to change the beneficiary in said policy and to substitute another in her place and further, that the policy was delivered to her by her husband as a wedding present at the time of their marriage, was still in her possession and had been in her possession ever since; that she had paid practically all of the premiums on the same out of her separate estate. She further advised

the company in this letter that the insured was then in no mental condition to execute any valid writing or conveyance and if any attempt was made by the insured to change the beneficiary in this policy that she desired to be advised by the company before said change was made (Rec., p. 7). She received a written communication from the secretary of the defendant company acknowledging receipt of this communication, and advising her that no attempt had been made by the insured to make change of beneficiary but that a note of the contents of her letter would be made by him and if a request was made by the insured to change the beneficiary, he would advise respondent of such request (Rec., p. 7). She was not advised of the application to change the beneficiary or of the change of beneficiary until after it had been made. The company had knowledge of her address and the fact that she had this policy as shown by a letter written her by the company after the change had been made (Rec., p. 7).

Respondent retained possession of the policy and at the death of her husband made demand for the payment of the proceeds of the policy and upon refusal of the petitioner to make payment instituted this suit.

The suit was instituted in the Supreme Court of the District of Columbia and there was attached to the declaration and bill of particulars, an affidavit of the respondent in which the above facts were set forth. The affidavit was made from the respondent's personal knowledge of the facts (Rec., p. 4).

Rule 73 of the Rules of the Supreme Court of the District of Columbia provides:

> "In any action arising ex contractu, if the plaintiff or his agent shall have filed, at the time of bringing his action, an affidavit setting out distinctly his cause of action, and the sum he claims to be due, exclusive of

all set-offs and just grounds of defense, and shall have served the defendant with copies of his declaration and of said affidavit, he shall be entitled to a judgment for the amount so claimed, with interest and costs, unless the defendant shall file, along with his plea, if in bar, an affidavit of defense, denying the right of the plaintiff as to the whole or some specified part of his claim, and specifically stating also, in precise and distinct terms, the grounds of his defense, which must be such as would, if true, be sufficient to defeat the plaintiff's claim in whole or in part. And where the defendant shall have acknowledged in his affidavit of defense his liability for a part of the plaintiff's claim as aforesaid the plaintiff, if he so elect, may have judgment entered in his favor for the amount so confessed to be due."

Petitioner filed its pleas to the declaration and undertook to file an affidavit in support thereof as required by this Rule. The affidavit will be found (Rec., pp. 11 to 19, inc.), and by reference to this affidavit it will be found that the defendant undertakes to set up as a defense to this claim:

First—That this contract of insurance was not a District of Columbia contract but a Massachusetts contract and therefore controlled and governed by the laws of Massachusetts, and

Second—That the petitioner is a beneficiary association (Rec., p. 11) and therefore was not bound by the law of the District of Columbia which required the whole contract to be attached to the policy as provided by the Act of January 26, 1887 (24 Statute at Large, 367), which statute reads as follows:

"Every life insurance company doing business in the District of Columbia shall attach to each policy issued by said company a copy of the application made by the insured so that the whole contract may appear in said application and policy,"

And Section 657 of the Code of Laws of the District of Columbia which reads thus:

> "Every life insurance company, benefit order and association doing a life insurance business in the District of Columbia shall deliver with each policy issued by it a copy of the application made by the insured so that the whole contract may appear in said application and policy in default of which no defense shall be allowed to such policy on account of anything contained in or omitted from such applicaion."

And

Third—That on the 14th of August, 1913, it issued a substituted policy for the one held by the plaintiff naming other and different beneficiary therein, claiming the right to do as founded upon a by-law of the petitioner which was in force at the time the change of beneficiary was made and has been in force ever since said date.

The lower court after considering the affidavit filed by the petitioner in defense of said claim, found that it did not set forth a defense to said cause of action and a judgment was entered for the respondent. Upon appeal to the Appellate Court, the opinion of the lower court was affirmed. The matter is here for review upon a writ of certiorari to the Court of Appeals of the District of Columbia.

ARGUMENT.

I shall endeavor to discuss the several defenses in the order given above.

I.

The Contract Is a District of Columbia Contract and Must Be Governed by Its Laws.

By reference to the affidavit of merit (Rec., p. 6), this language will be found:

"That the said policy was issued by the defendant company to the husband of this deponent, Samuel K. Behrend, on the 1st day of March, A. D. 1899, in the City of Washington, District of Columbia, where he paid the first premium on same and the same being delivered to him by the officers of Oriental Council No. 312, in the City of Washington, District of Columbia; that the first premium was paid in the City of Washington, District of Columbia."

This is not denied by the petitioner so that it stands in the record as a fact. Upon this record the law has been well settled by repeated decisions of this Court that the contract is a District of Columbia contract and must be governed by its laws.

In support of this we cite:

Equitable Life Insurance Society vs. Clements, 140 U. S., 226.

Mr. Justice Gray delivered the opinion of this Court and upon this question on page 232 of the report said:

"The petition further alleges that the policy was delivered in Missouri; and the answer admits that the policy was, "at the request of the said Wall, transmitted to the State of Missouri and was delivered to said Wall in said State." If this form of admission does not imply that the policy was at the request of Wall transmitted to another person, perhaps the company's agent, in Missouri, and by him there delivered to Wall, it is quite consistent with such a state of facts; and there is no evidence whatever, or even averment, that the policy was transmitted by mail directly to Wall, or that the company signified to Wall its acceptance of his application in any other way than by the delivery of the policy to him in Missouri. Upon this record, the conclusion is inevitable that the policy never became a completed contract, binding either party to it, until the

delivery of the policy and the payment of the first premium in Missouri; and consequently that the policy is a Missouri contract and governed by the laws of Missouri."

This Court considered this question again in:

Mutual Life Ins. Co. vs. Cohen, 179 U. S., 262.

Mr. Justice Brewer delivered the opinion of this Court. There was a statute of the State of New York which provided that no life insurance company doing business in the State of New York would have the power to declare forfeited or lapsed any policy hereafter issued by reason of non-payment of any annual premium. A policy was issued by the Mutual Life Insurance Company of New York which said policy was delivered in the State of Montana to the insured where the insured paid the first premium on the policy. There was no statute in Montana similar to the one in New York and this Court held that the law of Montana controlled the terms of the policy and not the New York statute and there being no such statute in Montana, the failure to pay the premium forfeited the policy.

This Court again considered this question in:

Northwestern Mutual Life Insurance Company vs. McCue, 223 U. S., 234.

In this case the opinion of the Court was delivered by Mr. Justice McKenna and in disposing of the question as to what law controlled the contract the Court quoted from a number of similar decisions of this Court on this question and held that the contract was a Virginia contract and controlled by the Virginia law rather than the Wisconsin law because the insured signed the application in Virginia where

the policy was delivered to him and where the first premium was paid by him.

This Court also considered this question in:

Orient Insurance Company vs. Daggs, 172 U. S., 557.

The facts before the Court were these: The Orient Insurance Company was engaged in fire insurance business and was incorporated under the laws of the State of Connecticut where it had its principal office and there issued a policy to a resident of Missouri in a sum not to exceed $800, in which policy so delivered as aforesaid it provided:

> "Said insurance company shall not be liable beyond the actual cash value of the property at the time of the fire and shall in no case exceed what it will cost to repay the same, deducting therefrom a suitable amount for the depreciation of the property."

There was a statute in the State of Missouri which provided that the insurance company in case of fire should not be permitted to deny that the property insured thereby was worth at the time of the issuing of the policy a sum not less than the full amount of insurance on said property; and in case of total loss of the property the measure of damages shall be the same for which the property was insured, less any reasonable depreciation, and provided that the burden of proving the amount of depreciation was on the insurance company. The property insured having been destroyed, the insurance company sought to invoke the provision of its policy above quoted. This was resisted by the insured and the matter finally came before this Court for its consideration and determination and this Court in its opinion delivered by Mr. Justice McKenna, on page 566 of its report said:

"The state surely has the power to determine that this result is desirable, and to accomplish it even by limitation of the right of contract claimed by plaintiff in error.

"It would be idle and trite to say that no right is absolute. Sic utere tuo ut alienum non laedas is of universal and pervading obligation. It is a condition upon which all property is held. Its application to particular conditions must necessarily be within the discretion of the legislative power. * * * The power of a state to impose conditions upon foreign corporations is certainly as extensive as the power over domestic corporations."

The learned late Chief Justice of the Court of Appeals of the District of Columbia, Mr. Chief Justice Shepard, in discussing this question used very apt language, in

Metropolitan Life Insurance Company vs. Hawkins, 31 App., D. C., 498,

when he said:

"It is a foreign corporation that may be prohibited from doing business in the District of Columbia, or admitted under any conditions that Congress may impose. Accepting the permission, it must perform the condition."

II.

In discussing the second ground of defense, the question is:

IS THE CONTRACT IN QUESTION CONTROLLED BY EITHER OR BOTH OF THE STATUTES REQUIRING THE WHOLE CONTRACT TO BE DELIVERED WITH THE POLICY?

My distinguished opponents on page 8 of their brief take the position that the sections in question have no application

whatever in the determination of the issue involved in this case for the reasons:

(a) That the contract in question was a Massachusetts conract and is to be determined by the laws of the State of Massachusetts.
(b) That fraternal benefit societies, or, as they are designated by section 749 of the Insurance Code, fraternal beneficial associations, are expressly exempt from all of the provisions of the insurance laws of the United States relating to the District of Columbia.

I have answered their first contention under my first subheading. I shall endeavor under this heading to answer their second contention.

PETITIONER WAS CONDUCTING IN THE DISTRICT OF COLUMBIA AN INSURANCE BUSINESS ON THE ASSESSMENT PLAN.

The first opinion of the Court of Appeals in this case which said opinion was delivered by the late Mr. Chief Justice Shepard, who dissented from the second opinion, says on this question:

> "That the defendant was a fraternal beneficial association organized under the laws of Massachusetts is not material. It was authorized to engage in a system of assessment life insurance and it was that business which it carried on in the District of Columbia through its subordinate council."

It is this finding which my distinguished opponents are objecting to. My opponents contend that this is contrary to every decision of every court on this question, but I respectfully invite the Court's attention to the many decisions

dealing with this identical question which support in toto the decision of the Court of Appeals just quoted.

In support of this position, we cite:

National Union vs. Marlow, 74 Fed., 775. (Circuit Court of App., 8th Cir.)

In this case the Court in an opinion delivered by Mr. Justice Thayer on page 783 of its opinion said:

> "The founders of the order saw fit to prescribe only the following tests of membership: That one seeking admission to the order should be a 'white male person of sound moral character'; that he should be physically sound and able to pass a strict physical examination, and furthermore, that he should not reside in an unhealthy location nor be engaged in a dangerous occupation. These are the tests of membership that are usually prescribed by every well-regulated insurance company. * * * In other words, when the defendant is stripped of all *disguises* and judged by the standard of what it is engaged in doing and what it is most likely organized to do, it is simply an insurance company which carries on an extensive business on the assessment plan."

Another Federal Court in dealing with this question, likewise held it to be an insurance company.

See:

Corely vs. Travelers' Protective Association, 105 Fed., 854-859.

In this case the question before the court was whether or not the statute of Kentucky, section 679, relating to life insurance, applied to the policy under consideration, where the application was made for the policy in the State of Kentucky and the policy was delivered in the State of Ken-

tucky. The defense in that case as in this case was that the company was not an insurance company but a fraternal beneficial association.

This case is of especial interest here because the opinion is by the 6th Circuit, Court of Appeals, and Mr. Justice Lurton, who sat for several years as a member of this Court, being a member of that Court and concurring in the opinion. In holding that the defendant was doing an insurance business in the State of Kentucky and was subject to the Kentucky Statute governing insurance companies, the Court on page 861 said:

> "We think the association comes within the provision of the Kentucky statute just cited; for, while it has among its purposes the promotion of acquaintance and friendship among traveling men, and to obtain for them better railroad rates and hotel accommodations, it may be said to be its principal purpose to provide a benefit for them for members in case of death or accident. This fund is derived from dues and when depleted is replaced by assessments upon members."

Many State Courts have passed upon similar contracts and have held that such a contract as this is a contract of insurance on the assessment plan and therefore controlled and governed by the statutes of the respective states regulating insurance and did not come within the provisions of fraternal beneficial association.

See:

Rockhold vs. Canton Masonic Mutual Benevolent Society, 129 Ill., 440-457.
Supreme Council American Legion of Honor vs. Larmour, 16 S. W., 633 (Texas, 1891).
Kansas vs. National Association of Farmers and Mechanics Mutual Aid Association, 35 Kans., 51.
Modern Brotherhood vs. Locke, 22 Colo. App., 409.
Grimes vs. Northwestern Legion of Honor, 64 N. W., 806-808 (Iowa, 1895).

Keeton vs. National Union, 165 N. W., 1107.
Hegany vs. National Union, 143 Mich., 186.
Commonwealth vs. Wetherbee, 105 Mass., 149.
Toomey vs. Supreme Lodge, 74 Mo. App., 507-524.
Burns vs. Modern Woodmen, 115 Iowa, 450.

If these decisions are legally sound, then we respectfully submit that the petitioner in the case before the Court was doing an insurance business in the District of Columbia on the assessment plan and therefore subject to the insurance laws of the District of Columbia.

By an examination of the charter which we find in the record, it will be found that it applied to the State of Massachusetts and was granted a charter from the State of Massachusetts upon the representation that they proposed to do a strictly fraternal association business, and they advised this State when applying for that charter, and the State granted to them in issuing the charter, the right to form an association to do a strictly fraternal business, consisting of six objects shown on page 1 and 2 of the constitution and law of the petitioner.

By reference to the policy or certificate issued to the insured in this case, it will be found as shown by Rec., pp. 4 and 5) that there is not a line to indicate that the company understood, agreed, or promised, according to the terms of the contract to do anything other than to pay his widow at his death, $3,000.00 out of the widows and orphans fund of the order. Indeed, by an examination of the record it will be found that while there are many objects mentioned in the charter, such as

A

"To establish a fund for the relief and distress of the sick members."

B

"To establish a fund to pay for disability and old age benefits."

C

"To establish a widows and orphans benefit fund."

If we examine the affidavit of the petitioner made in defense of this claim, it will be found (Rec., p. 16) that the total assets of the company after crediting the liabilities of the company, amounted to upwards of $5,000,000.00 (Rec., p. 17) shows that this fund is credited to the emergency found and the balance to the widows and orphans fund. Indeed, by careful reading of the affidavit, it will be found that the emergency fund and the widows and orphans benefit fund are the same, there being only a transfer from the widows and orphans fund to the emergency fund as a means of bookkeeping, both funds being:

"To liquidate mortality claims in the future."

There is no fund created for the relief and distress of the sick members. There is no found created to pay for disability and old age benefits. My pponents have endeavored in their brief to explain this away by saying that certain sections of the by-laws makes provision whereby such funds may be appropriated from assessments levied by the individual lodges or out of the running expenses of the individual lodges. This, we submit, does not comply with the provisions of the charter which declares that funds for these purposes shall be established just as much as the fund for the payment of *death benefits.* In other words, strictly speaking, all of the premiums paid by all of the members has been accumulated in one fund out of which the amount due on the policies are paid as they become due and payable under the terms of the contract; while many things are claimed as to what might be done, or what was intended to

be done, nevertheless, when we look at this situation as it really is, we find that the sole and only object of the petitioner is that of issuing policies not exceeding $3,000.00 in amount to all persons of sound health who desire insurance and who are willing to pay the premiums required of the petitioner for such insurance.

I submit, therefore, that the lower court and the Court of Appeals were right in holding that this contract was an insurance contract and therefore controlled and governed by the laws of the District of Columbia relating to insurance.

The Contract in This Case Does not Come Within the Provisions of the Law of the District of Columbia Known as Fraternal Benefit Societies.

My learned opponents in their brief take the position that if this contract is not to be controlled by the Massachusetts laws, then it is governed by the sections of the Code of Law for the District of Columbia dealing with fraternal benefit societies.

I respectfully submit that this contract is not such a contract as would come within the provisions of this law for by:

> Sections 749 to 765 Inc. of the Code of Laws of the District of Columbia,

relied upon by my opponents, it will be found that Congress intended simply to protect small associations and societies whose sole object was fraternalism, coupled with a small burial not exceeding $100.00, for it will be found by reference to ection 764 of the Code of Laws of the District of Columbia that the whole purpose of this character of insurance is defined thus:

> "Nothing in this subchapter shall be construed to apply to any corporation, society, order, or association

carrying on the business of life, health, casualty, or accident insurance for profit or gain, and it shall only apply to fraternal beneficial associations as defined by section seven hundred and forty-nine, and nothing in this subchapter contained shall be construed to affect any grand or subordinate lodge or branch of any such fraternal beneficial societies, orders, or associations which limits its certificate holders to a particular religious denomination or to the employees of a particular town or city, designated firm, business house, or corporation, or department or branch of the United States Government, nor the grand or subordinate lodges of the Independent Order of Odd Fellows, nor any grand or subordinate lodge, or other body of Free and Accepted Masons, nor the grand or any subordinate lodge of the Knights of Pythias, or similar orders, associations, or societies that do not have as their principal object the issuance of benefit certificates of membership in case of death or the payment of sick, funeral, or death benefits exceeding in amount one hundred dollars."

By a careful examination of this section it will be seen that this law does not apply to associations or fraternal societies except those that do not have AS THEIR PRINCIPAL OBJECT:

(A) THE ISSUING OF BENEFIT CERTIFICATES OF MEMBERSHIP IN CASE OF DEATH, and

(B) THE PAYMENT OF SICK, FUNERAL, OR DEATH BENEFITS EXCEEDING IN AMOUNT THE SUM OF $100.00.

Therefore, looking at the contract under consideration we find that the amount of insurance is $3,000.00; we find that the contract makes no provision whatever for anything to be paid except the payment of the sum of $3,000.00 to the beneficiary named therein at the death of insured.

Certainly by examining the record in this case the Court must come to the conclusion that the petitioners principal object is that of issuing certificates of insurance payable at death of the insured. Therefore, it is without both provisions of the law above quoted, and must therefore come under the sections of the law governing insurance.

There is no difference, I respectfully submit, between the contract under consideration and the contract issued by the great majority of the large insurance companies doing business in the United States today, and since most of the companies are mutual companies without capital stock, there is no dividends paid, no right to pay dividends and therefore the only expense being the payment of officers salaries, clerks and death claims as is provided for by petitioner.

The only expense of the petitioner is officers salaries, running expenses, and the payment of death claims as provided by the terms of the policies issued by it.

Is not this a case such as the author speaks of in:

29 Cyc., page 8,

when he says:

> "While these organizations are thus distinct from insurance companies, yet where they agree with their members, in consideration of the payment of dues and assessments, to indemnify them or their nominees against loss from certain causes, such as accidental personal injury, sickness or death, they conduct an insurance business, and the distinction is in so far without a difference. The certificates issued to the member stands in place of the ordinary insurance policy and is essentially a contract of insurance. Upon this view, in many States, *these societies are deemed insurance companies* and their rights and liabilities are governed accordingly, and the *statutory regulations* prescribed for insurance companies apply to them in the absence of

statutes specially regulating benevolent or friendly societies with *insurance features.*

The question whether an association is a benevolent or friendly society is ordinarily determined by its object as expressed in its charter or articles and by-laws, but the fact that it adopts a name indicative of social or benevolent objects or what it is described in its charter or articles as a benevolent or friendly society does not render it such if in fact its *main* object is that of the ordinary insurance company."

SHOULD THE COURT FIND THIS TO BE AN INSURANCE CONTRACT RATHER THAN A FRATERNAL ASSOCIATION, THEN OF COURSE, THE LAW HAS BEEN WELL SETTLED BY THIS COURT THAT THE RESPONDENT HERE AS BENEFICIARY IN THIS POLICY HAD A VESTED INTEREST AS SOON AS IT WAS ISSUED IRRESPECTIVE OF ANY CONTRACT, AGREEMENT OR ARRANGEMENT WITH HER HUSBAND AS DISCLOSED BY HER HUSBAND.

In support of this position we cite:

Bank of Washington vs. Hume, 128 U. S., 196.

This Court in its opinion in affirming the decision of the Court of Appeals in dealing with this question on page 206 of its opinion said:

"It is indeed the general rule that the policy and the money to become due under it belong the moment it is issued to the person or persons named in it as the beneficiary or beneficiaries, and that there is no power in the person procuring the insurance by any act of his, by deed or by will, to transfer to any other person the interest in the person named."

SHOULD THE COURT FIND THAT THE CONTRACT IS A FRATERNAL CONTRACT THAT THE SECTIONS OF THE CODE OF FRATERNAL INSURANCE DO NOT APPLY, IT BEING A DISTRICT OF COLUMBIA CONTRACT, THEN WE ARE ENTITLED TO HAVE THE JUDGMENT AFFIRMED.

It seems to be well settled law that this contract is a District of Columbia contract and must be governed by its laws and therefore must be governed by the statutes which require the whole contract to be delivered with the policy or certificate.

In this case, there is no dispute on the point that there was no application, by-laws or regulations delivered to the insured when the policy was issued or at any other time and all the insured had or ever received was the policy or certificate apearing on page 4 and 5 of the record.

Under this state of the record, we submit the contract was the policy or certificate alone and nothing else, and a mere reference to rules or laws of the order is not sufficient to bring it within the statute.

Similar statutes have been repeatedly before the Court and I find no decision which has not held that where there is such a statute it must be complied with strictly. Indeed, the authorities are uniform on this point.

In support of this position we cite:

Manhattan Insurance Co. vs. Albro, 127 Fed Rep., 281.

Provident Savings Association vs. Hadley, 102 Fed. Rep., 861.

Johnson vs. Des Moines Life Ins. Co., 105 Iowa, 273.

Nugent vs. Greenfield Life Association, 172 Mass., 278.

Baldi vs. Metropolitan Life Insurance Co., 18 Pa. Sup. Ct., 599.

25 Cyc., 747.

Considine vs. Metropolitan Life Insurance Co., 165 Mass., 464.
Morris vs. Life Insurance Company, 183 Pa. St., 572.
Goodwin vs. Life Association, 59 Am. St. Rep., 412.
Insurance Company vs. Howle, 68 Ohio St., 614.

In the first case cited, to wit:

Manhattan Life Insurance Company vs. Elbro, *supra*,

this question was before the court upon a Massachusetts statute which required the application to be attached. The court by Mr. Justice Aldrich, on page 282 of its opinion said:

> "In the case at bar, in connection with the family history, under a form which assumes to require it, the application contained a representation that the insured's grandmother died at the age of 109 of old age, and that her health had been good. The paper annexed to the policy varied from this to the extent of being silent upon this subject. This, we think, was a matter of substance; that is to say, it being a succinct history of the health and age and cause of death of one of the ancestors of the insured, it became so far a substantial feature of the application that a paper which contained nothing whatever about the subject can not be said to comply with the statute, which imperatively requires a correct copy of an application to be attached to the policy. It is not, we think, under the circumstances, a question whether it was so far a matter of substance as to effect the risk, but whether, under the common acceptation of terms and expressions, a copy with so substantial and so expensive an omission can be said to be a correct copy, within the meaning of the statute. We think the Circuit Court was right in excluding the paper annexed to the policy which purported to be a copy of the application, and in excluding from the case

all considerations in respect to alleged breaches of warranty, and in refusing to allow the application to be introduced as evidence for the purpose of showing what representations were made by the insured when the application was signed. In doing this the court was simply obeying the imperative and unqualified provisions of the Massachusetts statute, which declares that, in a case where a correct copy of the application is not attached to the policy, the application shall not be received in evidence or considered a part of the policy."

Statutes somewhat similar to ours have been passed by the legislatures of very many of our states in order that the insured when he receives his policy may examine and understand the contract, the purpose being to prevent the insurance company from defending after the death of the insured upon the ground that something they held in their office changed the contract from what is appeared on its face; or defending upon the ground that a statement had been made to them at the time of the signing of the application by the insured which vitiates the policy in view of what is presented to the cor any in the way of proofs of death, therefore the statutes requiring the whole contract to be delivered with the policy in order that the whole contract may be seen and understood.

SHOULD THE COURT HOLD THAT THIS PETITIONER IS DOING A FRATERNAL BUSINESS IN THE DISTRICT OF COLUMBIA, NEVERTHELESS, THE JUDGMENT SHOULD BE AFFIRMED.

By reference to the record in this case (Rec., p. 6) it will be found that on the very day that this policy was delivered to the isured the same was given to respondent by the insured as a wedding present and that the same has been in her possession ever since, she paying practically all of the

premiums due and payable thereunder out of her sole and separate estate. It is further disclosed by the record (Rec., p. 7) that notice of this fact was given to the petitioner before the change of beneficiary was made and a promise was made by the petitioner to respondent that no change of beneficiary would be made without notice to her before such change. By reference to that (Rec., p. 18) it will be found that the petitioner does not deny that such a letter was received at the office of the petitioner nor does he deny that a letter was mailed and received by respondent that she would receive notice when any attempt was made by the isured to change the beneficiary. They simply, in a very clever manner, aver:

> "That no letter from the plaintiff was received at the office of affiant, as Supreme Secretary, and that no assurance was given her by affiant as Supreme Secretary."

Therefore, I submit that we have a case where respondent had a vested interest in this policy which was known to the petitioner. Thereafter they changed the beneficiary and paid the $3,000.00 due thereunder over her protest, to the persons named in the change of beneficiary.

That respondent had a vested interest in this policy seems to have been decided by many courts. In support of our position we cite:

Supreme Lodge vs. Ulanowsky, 246 Pa., 591.

in which the Court in deciding this question said:

> "That the wife acquired an equitable right in the certificate by reason of the anti-nuptial agreement, that the effect of a subsequent change in the beneficiary was to make the daughter a trustee of the proceeds for the

wife, and the lower court having entered an order ordering the proceeds payable to the wife, this court held it to be correct."

In the case of:

Order of Columbian Knights vs. Matzel, *et al.*, 184 Ill. App., 15,

the court in deciding this question held:

"A beneficiary acquires a vested right in insurance which equity will protect if such beneficiary assists in paying the assessments or premiums under an agreement by which the proceeds of the insurance are to be paid to the beneficiary."

In this case the court held that the by-laws providing for a change of beneficiary had no effect, and that the beneficiary had acquired a vested interest which could not be taken away without the consent of the beneficiary.

To the same effect, we cite:

Smith vs. National Benefit Society, 9 Lawyers Reports Annotated, 616.
Womans Catholic Order of Forresters vs. Hill, 191 App., 629.
McKeon vs. Ehringer, 95 N. W., 604 (Ind.).
Stockwell vs. Reid's Estate, 136 N. W., 476 (Mich.).
Callahan vs. Supreme Tent, 121 N. Y. Supj., 354.
King vs. Supreme Council, 215 Pa. St., 553.
Strong vs. Supreme Lodge, 189 N. Y., 346.
Royal Arcanum vs. Tracey, 169 Ill., 123.
Knights of Pythias vs. Farrell, 33 L. R. A. (N. S.), 777.
Modern Maccabees vs. Sharp, 33 L. R. A., 870.

This same principle of law has been recognized by this Court. In support thereof, we cite:

Mackall vs. Mackall, 135 U. S., 167.

In the opinion of this Court which was delivered by Mr. Justice Brewer, this Court held that one who receives a parole gift of real estate and enters into possession and expends money in improvements thereon has an equitable right, and by application to the Equity Court by establishing these facts they may obtain a decree securing the property, as a gift. This decision is certainly founded upon the rule of justice. In the case at bar the beneficiary in the policy, the wife of the insured, accepted the policy as a gift, paid the premiums thereon for a period of 14 years or over and then all of her rights were sought to be taken away from her by the petitioner, and the benefit of respondent's savings delivered to another.

SHOULD THE COURT DECIDE ALL OF THESE SEVERAL QUESTIONS CONTRARY TO MY CONTENTION, NEVERTHELESS, THE RESPONDENT WOULD BE ENTITLED TO HAVE THIS JUDGMENT AFFIRMED BECAUSE THE BY-LAW IN QUESTION WAS ADOPTED LONG AFTER ISSUANCE OF THIS POLICY?

By reference to the record in this case (Rec., p. 7) it will be found that the following averment is made by the petitioner, to wit:

> "That the said laws governing change of beneficiary were during the month of August, 1913, and ever since have been and are still in full force and effect."

I therefore very respectfully submit that the by-law in question under which the change of beneficiary was sought is void and inoperative. In support of this position we first

call the Court's attention to a decision delivered by Mr. Justice Pitney, now a member of this Court. This opinion was delivered by him when he was a judge of a New Jersey Court. We cite:

O'Neill vs. Supreme Council, 70 N. J. Law Reporter, 410.

Judge Pitney in this case delivered an elaborate opinion in which he cited a great many English and American cases on the subject and on page 420 of this authority dealing with this question, he said:

> "But it is very generally, if not universally, held that these benefit certificates, like other contracts, confer a vested interest upon the member which may not be impaired by a subsequent amendment, even though the power to grant be reserved *in general* terms. If the members' stipulations to comply with all by-laws thereafter enacted could be construed to relate to a by-law that reduced the benefit from $5,000 to $2,000, it must also relate to a by-law cancelling the benefit certificate entirely, a result wholly unjust and absurd. This stipulation must be construed as referring only to reasonable by-laws and amendments adopted in furtherance of the contract, and not to such as would overthrow it, or materially alter its terms."

The Supreme Court of New York in dealing with this question in the case of:

Ayer vs. Order of United Workmen, 188 N. Y., 280,

in passing upon this question held that a person consenting to abide by any rule in the provision in a certificate, by the terms of which the insured consents to abide by any rule in the future, simply means to abide by any rule passed gov-

erning the affairs of the society, and certainly not *with* one which gives the insurance company the right *to do as they please* with the funds of the certificate of the policyholder.

This identical question was also passed upon by the Court of Appeals of Indiana in the case of:

Court of Honor vs. Rausch, 95 N. E. Rep., 1018.

The Court in its opinion on page 1019 of the report says:

> "Compliance with future by-laws refers to such by-laws as may be adopted at some future time, pertaining to the duty of members, but can not effect the rights granted such members by virtue of the contract of insurance. We therefore hold that the appellant could not impair the incontestible clause of Rausch's policy and pass a five per cent per annum by-law, and thereby lessen the liability contained in the policy when issued to him at a previous date," etc.

The Illinois Court of Appeals also had before it this identical question in the case of:

Modern Workmen of America vs. Weiland, 109 Ill. App. Ct. Rep., page 340.

Paragraph 7 of the syllabus, which seems to be the meat of the case reads as follows:

> "The rule that if the laws of an order makes its benefit certificates subject to such laws as may thereunder be enacted, the certificates are governed by subsequent laws and amendments, or subject to the qualification that the latter amendments or by-laws be reasonable and in harmony with the general policy of the order."

This question was also before the Michigan Court. The case of:

> Samberg vs. Knights of Maccabees, 123 N. W. Rep., page 25.

The Court in its opinion dealing with this subject on page 26, said:

> "The important question in the case is as to the effect of the by-law adopted in 1904, fifteen years after the insured became a member of the order, and four years after his disappearance, and three years before the beneficiary ceased to pay assessments to defendant organization."

The Court held that the by-laws were unreasonable and therefore void.

This question was also before the Minnesota Court in the case of:

> Olson, *et al.* vs. Court of Honor,

on page 121 the court said:

> "That an amendment is an unreasonable amendment which attempts to destroy the contract or impair the contract already in force."

This question was also before the Missouri Court of Appeals in the case of:

> Wilcox, Respondent, vs. The Court of Honor, 134 Mo. App., 547.

The Court in this case in disposing of this question of a by-law passed after the contract went into effect on page 557 said:

"The suicide by-law in force at the time the certificate was issued, entered into, and formed a part of the contract of insurance, and we hold that the amended by-law on the subject of suicide did not in the least alter or change the contract in respect to suicide, and that the amendment was not intended to effect the contract of insurance then in force."

FEDERAL AUTHORITIES HOLDING LIKEWISE.

The Federal Court have considered this question in a great number of instances and we cite:

Indemnity Co. vs. Jarman, 140 Fed. Rep., 638.

Judge Thayer of the Eighth Circuit on pages 643, 644 disposed of the two questions involved here in this manner:

First, on the question of fact that a by-law of this character would not effect the plaintiff's policy in the case at bar, saying:

"Conceding in accordance with the stipulations of the parties that the amendments in question were adopted legally in a manner prescribed by the defendant's constitution and by-laws, we observe in the first instance that there is nothing to indicate that the amendments were intended to have a retroactive operation, and reduce the amount payable on the certificates or policies like the one at bar, which was then outstanding and in plain language obligated the company to refund all assessment that might be paid thereon. The present record contains no evidence which shows affirmatively that the amendments were intended to operate retroactively, and extinguish the obligation to refund assessments that had been expressly assumed while the fact that outstanding policies were not recalled and the promise to refund assessments expunged or erased fully indicate, we think, that the amendments were desig-

nated to operate prospectively on policies *thereafter* executed. Aside from this view of the case it is a well-established rule for the construction of statutes that they should be so interpreted as to give them a prospective operation only unless it is manifest that they were intended to operate retroactively, and no reason is perceived why the same rule of construction should not apply to legislative acts of a private corporation. If it assumes to amend its constitution or by-laws and the amendment is in such form that if given a retroactive effect it will alter obligations which the company has assumed by existing contracts, it should be presumed unless there are imperative reasons to the contrary that it was not intended to have such effect, but was only intended to prescribe a rule of action for the future."

On the second question contended by us, to wit, that this by-law is unreasonable and impairs the obligation of the contract between respondent and petitioner, Judge Thayer in his opinion on page 644 says:

"In the second place we observe that it is not a reasonable interpretation of the clause above quoted from the application, that the applicant intended to assent in advance to any changes even if they reduce the amount of indemnity which the company has promised to pay in the event of his death, and thereby lessen the value of his policy. He was to occupy a dual relation to the company—first as one of its members, and second as any other individual having a contract with it. In the former relation he was willing to be bound by any lawful amendment to the company's constitution, and by-laws that the members collectively saw fit to adopt, which concerned the government of the corporation, or the mode of transacting its business, and did not impair any of the essential provisions of its contract. He probably foresaw that in the course of time the company might find it expedient to make some changes

in its mode of corporate government, or mode of transacting business, or in its rules of discipline, and he doubtless intended to assent to the amendments of the constitution and by-laws which were formed for the purpose, and would not deprive him of any substantial right or benefit secured by his policy. It is not reasonable, however, to suppose that he intended to agree in advance that the company might at any time reduce the promised indemnity to any sum which it found convenient to pay. The liberal indemnity which was promised by the policy as first drawn may have been, and probably was, the inducing cause which held Jarman to become a member of the defendant company, and it would be unreasonable to infer that he intended to agree that after he had paid assessments upon his policy for a period of years, the consideration that induced him to pay the sum might be withdrawn in whole or in part without his consent. The record contains no evidence that the deceased member voted for any of the amendments now in question or was aware of their adoption during his lifetime. And even if it did appear that he voted for the amendment and was aware of its adoption, the presumption would be that he did so in the belief that the amendment operated prospectively and not retroactively upon antecedent contracts. The contract, notwithstanding the general words or phrases which they may contain, should receive an interpretation which will accord with the presumed intention of the contracting parties and will not work an injustice or lead to absurd consequences."

This case was also before the Federal Court in:

95 Fed. Rep., 70,

and in an opinion by District Judge Phillips, on page 77 of his opinion, with relation to the agreement of a member to abide by the by-laws in the future says:

"It is among the recognized canons of the rules of construction that when operation and effect can be given to each and every part of the contract or statute without giving to one provision a construction which subverts or qualifies another material provision that which preserves the harmony and force of all should be preferred. There were many provisions of the rules and construction of the contracts in force at the time of issuing the policy upon which the stipulation should be referred to such matters without impairing the express obligation of the contract to pay a specified sum readily ascertainable. The natural and more reasonable idea such a recitation as the one in question in the application for membership would convey to the mind of the applicant, would be only that he was consenting in advance to such changes in the regulations and construction of the contract as in the judgment of the board of directors might seem to be conducive to the more efficient conduct and administration of the business pertaining to methods, discipline, restriction of travel and acts of the insured, or the amount of annual dues or assessments as well as the employment and investment of the death fund and other like matters. But it is inconceivable that either party could have intended that the construction might be placed upon the application that the applicant was consenting in advance that the promise expressed on the fact of the policy to pay his family or heirs could be changed to either, at the pleasure of the directors, or upon some other ground of expediency resting in the mind of some future board of directors or even that of court or jury. In short, that he was consenting that the very essence of an inducement to the contract on his part depended upon other basis than that of the express promise written in the policy. It seems to me with all due deference that to give such construction to this policy would make it but a snare and a delusion to entrap the unweary."

This question was before the Federal Court again in:

American Supreme Council vs. Getz, 112 Fed., 119.

In disposing of this question, District Judge Kirkpatrick of the Third Circuit said:

> "Interpreting the agreement upon which the defendant relies and giving it the proper force and effect intended by the parties, we must consider the circumstance under which it was made and the object to be attained. Getz was about to become a member of the defendant association which had adopted certain by-laws for its government and certain rules and regulations which tended to promote fraternal feeling and the social, moral and intellectual education of its members. These were to be binding upon Getz, as upon all the other members of the association, as inasmuch as experience might show that for the accomplishment of these purposes changes in the by-laws might be expedient, it was provided that Getz should agree to such amendments as might seem to the members to be necessary to further these ends. *To this extent and no further,* we think, the agreement goes. The contract with the supreme council had not yet been made, and we can not conceive that it was in the mind of either party that the defendant, by this agreement, should be free to abrogate any contract into which it might enter with a member or that the benefits which he might seek to obtain could be swept away at the word of the defendant and without his consent. The contract to pay Clara L. Getz $5,000, endowed by the benefit certificate can not be altered by this agreement."

In conclusion upon the question of what the Federal Courts have said on the subject before the bar, I desire to emphasize what they hold as being thus:

> "1st. That a by-law must be reasonable, and that it is unreasonable if it impairs the obligation of the contract between the insured or beneficiary and the company.

> "2nd. That a by-law under no circumstances will be retroactive in effect, especially so when there are no words in the by-law which clearly indicated the desire or intention of the council amending the by-law that it should be retroactive in effect."

Looking at the contract before the court, it will be found that the policy or certificate provides:

> "That the said member complies in the future with the laws, rules and regulations now governing the said Council and fund, or that may hereafter be enacted by the Supreme Council to govern said Council and fund."

Giving this language the most liberal interpretation in favor of the insured, which, I submit is proper construction of law, what was consented to by the insured was that he probably saw that in the course of time the company might find it expedient to make some changes in its mode of government, or in its mode of transacting business, or in its rule of discipline and he doubtlessly intended to assent to such rules and regulations as may be enacted in the future to govern the Council and Fund, but he certainly did not intend to consent to a by-law to be passed in the future which would impair the obligations of his contract, or to destroy the rights of the beneficiary after she had for many years out of her own separate estate kept the contract alive and made it worth at his death $3000.

My distinguished opponents have cited the case of the
Royal Arcanum vs. Green:
237 U. S., 531,
as controlling of the question here, but I earnestly and respectfully urge upon the Court the fact that the question involved in the Green case is not applicable to the case at bar.

In the Green case, the question involved (aside from the Federal question) was the legality or illegality of an assessment levied and sought to be collected from a holder of one of the policies of this same company, said insured residing in the State of New York. This Court held in the Green case that the law of Massachusetts controlled, because the question involved was a question dealing with the internal affairs of the corporation and this Court in its opinion in that case on page 543 on this point said:

> "In fact, while dealing with various forms of controversy, in substance all these cases come at last to the principle so admirably stated by Chief Justice Marshall more than a hundred years ago (Head vs. Providence Insurance Co., 2 Cranch, 127, 167) as follows:
>
> "Without ascribing to this body, which, in its corporate capacity, is the mere creature of the act to which it owes its existence, all the qualities and disabilities annexed by the common law to ancient institutions of this sort, it may correctly be said to be precisely what the incorporating act has made it, to derive all its powers from that act, and to be capable of exerting its faculties only in the manner which that act authorizes. To this source of its being, then, we must recur to ascertain its powers. * * *"
>
> "In addition it was by the application of the same principle that a line of decisions in this court came to establish: first, that the law of the State by which a corporation is created governs in enforcing the liability of a stockholder as a member of such corporation to pay the stock subscription which he agreed to make; second, that the State law and proceedings are binding as to the ascertaining of the fact of insolvency and of the amount due the creditors entitled to be paid from the subscription when collected; and third, that putting out of view the right of the person against whom a liability for a stockholder's subscription is asserted to show that he is not a stockholder, or is not the holder

of as many shares as is alleged, or has a claim against the corporation which at law or equity he is entitled to set off against the corporation, or has any other defense personal to himself, a decree against the corporation in a suit brought against it under the State law for the purpose of ascertaining its insolvency, compelling its liquidation, collecting sums due by stockholders for subscriptions to stock and paying the debts of the corporation, in so far as it determines these general matters, binds the stockholder, although he be not a party in a personal sense, because by virtue of his subscription to stock there was conferred on the corporation the authority to stand in judgment for the subscriber as to such general questions."

This principle of law has been undisputed for years and this Court has repeatedly referred to that principle of law as being settled. The Court, however, will readily see that the question here is not one dealing with the internal affairs of a corporation, but one to enforce a contract which has terminated and become due and payable according to its terms. Therefore, a very different rule of law applies which said rule has been repeatedly decided by this Court and is now regarded by this Court as settled law.

I therefore respectively submit that the judgment should be affirmed.

Respectfully submitted,

W. GWYNN GARDINER,

Attorney for Respondent.

SUPREME COUNCIL OF THE ROYAL ARCANUM *v.* BEHREND.

CERTIORARI TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

No. 267. Argued April 25, 1918.—Decided June 3, 1918.

In the absence of a special provision of law or rule of the association to the contrary, the naming of a person as beneficiary in the benefit certificate of a fraternal benefit association confers an expectancy merely, which may be defeated by the act of the insured member in taking out a substitute certificate changing the beneficiary.

The fact that the first-named beneficiary had paid the assessments before the change raises no legal claim upon the insurance.

A benefit certificate expressed a promise to pay the beneficiary therein named, upon the insured member's death, provided the "certificate shall not have been surrendered by said member and another certificate issued at his request," and bore a printed form providing for "surrender and return" of the certificate by the member in changing the beneficiary. *Held:* That the requirement of surrender did not necessarily imply a return of the original paper.

A requirement that a certificate of a fraternal benefit association shall be surrendered by the insured member before a new one is issued, is for the protection of the association, and, if waived by it or complied with to its satisfaction during the member's lifetime, it cannot be availed of by a former beneficiary.

45 App. D. C. 260, reversed.

THE case is stated in the opinion.

Mr. Howard C. Wiggins, with whom *Mr. Philip Walker* was on the brief, for petitioner.

Mr. W. Gwynn Gardiner for respondent.

MR. JUSTICE BRANDEIS delivered the opinion of the court.

The Supreme Council of the Royal Arcanum is incorporated under the laws of Massachusetts as a fraternal benefit society, and it is licensed as a fraternal beneficial association in the District of Columbia.[1] The character and purposes of the organization and the relation to its members are described in *Supreme Council of the Royal Arcanum* v. *Green*, 237 U. S. 531. Samuel K. Behrend became a member of a local lodge of the order in Washington, known as "Oriental Council, No. 312, Royal Arcanum." On March 1, 1899, a $3,000 "Benefit Certificate" was issued to him there, payable on his death to his wife, Sue, as beneficiary; and there the first premium or assessment was paid. He delivered the certificate to her, giving it as a wedding present. From that time on, the certificate remained in her possession; and until August, 1913, most of the premiums and assessments were paid by her. On August 8, 1913, Behrend, having ceased to live with his wife, requested the Order to change the beneficiary from his wife to his son and his daughter. As the original certificate was still in the wife's possession and she refused to surrender it, Behrend made affidavit that the certificate was beyond his control and in writing relinquished all interest therein. Thereupon a new certificate was issued by the Order payable to the children, as requested; and the wife was notified that the certificate held by her had been canceled. On October 20, 1914, Behrend died. On December 21, 1914, the Order paid to his son and to his daughter each $1,500 upon surrender of the new certificate. Thereafter the widow brought, in the Supreme Court of the District of Columbia, this action to recover $3,000 under the original certificate.

[1] District Code, § 749 (Act of Congress, March 3, 1897, § 1, c. 382, 29 Stat. 630).

The Order set up, by plea and affidavit of defence, the facts showing the change of beneficiary and payment to the new beneficiaries, which it alleged was in accordance with the contract contained in the benefit certificate and the constitution and laws of the organization. The case was heard by the Supreme Court on motion for judgment against the defendant for failure to file a good and sufficient affidavit of defence; and judgment was entered for $3,000 with interest. The Court of Appeals of the District reversed this judgment, but later granted a rehearing, the order reciting: "The question to be argued is this: Had the beneficiary of the certificate a vested interest in the same that could not be divested by the issue of a substitute certificate without the surrender of the original and without the consent of the beneficiary named in the original certificate?" Upon the rehearing the judgment of the lower court was affirmed. (45 App. D. C. 260.) The case comes here on writ of certiorari under § 251 of the Judicial Code.

The benefit certificate provided, among other things, that the corporation will pay "out of its Widows and Orphans' Benefit Fund to Sue B. Behrend (wife) a sum not exceeding three thousand dollars in accordance with and under the provisions of the laws governing said Fund, upon satisfactory evidence of the death of said member, and upon the surrender of this Certificate; provided that said member is in good standing in this Order at the time of his death, and provided also that this Certificate shall not have been surrendered by said member and another Certificate issued at his request, in accordance with the laws of this Order." On the back of said Certificate appears the following:

"FORM FOR CHANGE OF BENEFICIARY."

———Council No.———, R. A.

"To.....Sup. Sec., S. C. R. A.: I herewith surrender and return to the Supreme Council

of the Royal Arcanum, the within Benefit Certificate No....., and direct that a new one be issued to me, payable to.....Residing at..... Related to me as.....

.....

Member will write his name in full.

Attest:

[Seal of Sub. Council.] .....*Secretary.*"

The general laws of the Order, in force at latest when the new certificate was issued, provide that a member in good standing may at any time make "a written surrender of his Benefit Certificate, and direct that a new certificate be issued to him, payable to such beneficiary or beneficiaries as such member may designate" and that the issue of such new certificate shall cancel all previous certificates. They also provide that in case "a Benefit Certificate is lost or beyond a member's control," he may, upon making satisfactory proof of the fact by affidavit or otherwise and paying the required fee of fifty cents, "in writing, surrender all claim thereto, and direct that a new Certificate be issued to him, payable to the same or a new beneficiary or beneficiaries." These conditions were complied with before the new certificate making the son and daughter beneficiaries was issued.

Act of Congress, January 26, 1887, c. 46, § 6, (24 Stat. 367,) provided that each life insurance company doing business within the District should attach to each policy a copy of the application "so that the whole contract may appear in said application and policy." Section 657 of the District of Columbia Code as amended June 30, 1902, c. 1329, (32 Stat. 534,) extended the provision to benefit orders and associations and declared that, in case of failure to furnish a copy of the application, "no defence shall be allowed to such policy on account of anything contained in, or omitted from, such application." The

Court of Appeals decided that Mrs. Behrend acquired a vested interest in the benefit certificate which could not be divested by the issue of a substitute certificate without the surrender of the original and without her consent as beneficiary; that the rights of the parties were governed by the laws of the District of Columbia; that the benefit certificate was an insurance policy within the meaning of both the above acts; that the Order was an assessment insurance company and as such came within the scope of both acts, so that the fact that the benefit certificate was issued before the amendment of 1902 was immaterial; that it did not appear that there had been attached to the certificate a copy of the application therefor; that the failure to annex the application precluded allowing as a defence any matter not appearing on the face of the benefit certificate; that the change of beneficiary was such a defence; and that since matters found only in the application and laws of the association could not be availed of, the court must "look solely to the terms of the contract, that is, to the terms of this so-called benefit certificate, to determine the measure of the insured's right to change the beneficiary;" and that by its terms there was no such right.

This court held in *Washington Central Bank* v. *Hume*, 128 U. S. 195, 206, that under the ordinary policy of life insurance, when no right is reserved to surrender the policy or to change beneficiaries, the beneficiary named therein acquires, at the moment it is issued, a vested right which cannot be affected by any act of the insured subsequent to the execution of the policy. The rule there declared was deemed by the Court of Appeals to control the case at bar. But it was not applicable; because the contract sued on was a benefit certificate of a fraternal benefit association, not an ordinary policy of life insurance; and also because the benefit certificate on its face reserves the right to change beneficiaries.

First: The difference between ordinary life insurance and that furnished by the fraternal benefit societies has been universally recognized in legislation and is a matter of common knowledge. The differences in the legal incidents of these different forms of protection have been illustrated by numerous decisions. The difference in respect to the insured's right to change the beneficiary has been frequently commented on and is firmly established. In the absence of a special provision of law or of a rule of the association to the contrary, the naming of a person as beneficiary in the benefit certificate of a fraternal benefit association confers not a vested right, but an expectancy merely which may be defeated at any time by act of the insured member.[1] A different case is presented where the insured has contracted with the beneficiary that he shall remain such. A contract of that nature may be enforced by appropriate proceeding if

[1] *Slaughter* v. *Grand Lodge*, 192 Ala. 301; *Jory* v. *Supreme Council A. L. H.*, 105 Cal. 20; *Masonic Mutual Benefit Ass'n* v. *Tolles*, 70 Conn. 537, 544; *Smith* v. *Locomotive Engineers Mutual Life & Accident In. Assn.*, 138 Ga. 717; *Delaney* v. *Delaney*, 175 Ill. 187; *Masonic Mutual Benefit Society* v. *Burkhart*, 110 Ind. 189, 194–195; *Carpenter* v. *Knapp*, 101 Ia. 712; *Titsworth* v. *Titsworth*, 40 Kans. 571; *Marsh* v. *American Legion of Honor*, 149 Mass. 512; *Schoenau* v. *Grand Lodge A. O. U. W.*, 85 Minn. 349; *Carson* v. *Vicksburg Bank*, 75 Miss. 167; *Masonic Benevolent Assn.* v. *Bunch*, 109 Mo. 560; *Knights of Maccabees* v. *Sackett*, 34 Mon. 357, 363; *Ogden* v. *Sovereign Camp, W. O. W.*, 78 Neb. 804; *Barton* v. *Provident Mutual Relief Assn.*, 63 N. H. 535; *Spengler* v. *Spengler*, 65 N. J. Eq. 176; *Lahey* v. *Lahey*, 174 N. Y. 146; *Pollock* v. *Household of Ruth*, 150 N. C. 211; *Lentz* v. *Fritter*, 92 Oh. St. 186; *Noble* v. *Police Beneficiary Assn.*, 224 Pa. St. 298; *Catholic Knights of America* v. *Morrison*, 16 R. I. 468; *Christenson* v. *El Riad Temple*, 37 S. D. 68, 71; *Alfsen* v. *Crouch*, 115 Tenn. 352; *Byrne* v. *Casey*, 70 Tex. 247; *Cade* v. *Head Camp, W. O. W.*, 27 Wash. 218; *Supreme Conclave, Royal Adelphia* v. *Cappella*, 41 Fed. Rep. 1.

The right of a member of a fraternal benefit society to change the beneficiary has been denied in a few cases which have failed to distinguish between benefit certificates and ordinary life policies. See *Pittinger* v. *Pittinger*, 28 Colo. 308.

consistent with the general law and with the laws of the association.[1] But the remedy to enforce rights arising out of such a contract would obviously not be a suit, like that at bar, upon the certificate. Nor is it contended that Behrend made any such contract concerning the certificate with his wife. The mere fact that she paid some, and possibly all, of the assessments, prior to the change of beneficiary, even if paid out of her separate estate, raises no legal claim.[2] Perhaps there was not even a moral claim; since throughout the period during which she paid assessments, she enjoyed the full protection which the Order agreed to furnish; and for this alone payments were made. Under the form of insurance furnished by fraternal beneficial associations no reserve is accumulated.

Second: The certificate, on its face, expressed not an unconditional promise to make payment to the wife therein named, but a conditional promise to pay provided the "Certificate shall not have been surrendered by said member and another Certificate issued at his request, in accordance with the laws of this Order." The plaintiff alleged that the certificate had not been surrendered and

[1] *Grimbley* v. *Harrold*, 125 Cal. 24; *McGrew* v. *McGrew*, 190 Ill. 604; *In re Reid's Estate*, 170 Mich. 476; *Catholic Benevolent Legion* v. *Murphy*, 65 N. J. Eq. 60; *Stronge* v. *Knights of Pythias*, 189 N. Y. 346; *Supreme Lodge, Knights & Ladies of Honor* v. *Ulanowsky*, 246 Pa. St. 501. Section 758 of the Code of the District of Columbia (§ 10 of the Act of March 3, 1897, *supra*) provides in regard to fraternal beneficiary associations, that "No contract with any such association shall be valid when there is a contract, agreement, or understanding between the member and the beneficiary prior to or at the time of becoming a member of the association that the beneficiary, or any person for him, shall pay such member's assessments and dues, or either of them."

[2] *Jory* v. *Supreme Council A. L. H.*, 105 Cal. 20, 30; *Supreme Lodge, N. E. O. P.* v. *Hine*, 82 Conn. 315, 320; *Schiller-Bund* v. *Knack*, 184 Mich. 95; *Spengler* v. *Spengler*, 65 N. J. Eq. 176, 180; *Fischer* v. *Fischer*, 99 Tenn. 629, 636; *Preusser* v. *Supreme Hive L. O. T. M.*, 123 Wis. 164.

that she had not been requested to surrender or deliver up the same for change of beneficiary. The latter allegation is denied by the affidavit of defence and the statements therein contained must be taken as true. But the fact is not material. As indicated by the printed "Form for Change of Beneficiary" endorsed on the Certificate, which refers to both "surrender and return," the requirement of a surrender does not necessarily imply a return to the Order of the original paper called the Benefit Certificate. Furthermore, requirements of that character are made for the protection of the society and, if complied with to its satisfaction or if waived by it during the lifetime of the insured, cannot be availed of to support the claim of a former beneficiary.[1] It is unnecessary therefore to determine whether, under this form of certificate, the burden rested upon the plaintiff to prove, as she alleged, that she had remained the beneficiary. As the judgment of the Court of Appeals must be reversed for the reasons stated above, we express no opinion upon other questions argued by counsel and, in part, passed upon below.

Reversed.

[1] *Ladies of the Modern Maccabees* v. *Doley*, 166 Mich. 542, 545; *Fischer* v. *Malchow*, 93 Minn. 396; *Lentz* v. *Fritter*, 92 Oh. St. 186, 194–195; *Noble* v. *Police Beneficiary Assn.*, 224 Pa. St. 298; *Schardt* v. *Schardt*, 100 Tenn. 276. 279. 280.